

A
L E T T E R
TO
A ROMAN CATHOLIC CLERGYMAN
UPON
Theological Inaccuracy.

BY
R. Robert Plowden.



LONDON:

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IT is remarked, that inaccuracy of expression upon theological subjects has generally laid the foundation of religious dissensions. Whether artful and designing men find from experience, that ambiguous language is the securest means of introducing their novelties into the church, or that the upright and unsuspecting are at first unwarily drawn to favour expressions, the tendency of which they do not comprehend, and afterwards through a false point of honour refuse to disavow what they are sensible was not originally embraced by them with an evil intention, certain it is, that religious contests have seldom run to fatal lengths, except where the parties themselves either did not sufficiently understand, or at least not sufficiently explain their principles to the world.

We have seen religious disputes of no small moment rise of late years among the Roman catholics of this kingdom, which I am persuaded are greatly owing to this cause. A disuse of the particular niceties and practices

tices of the schools in a country, where no regular ecclesiastical institutions could be kept up, rendered the best meaning men among us insensible of the import and tendency of various expressions and declarations, which were presented to them for their approbation. And though thanks to a merciful providence a rooted love of orthodoxy generally prevailed in the breasts both of our clergy and laity, yet, however stimulated with a laudable desire of removing ancient slanders from their church, on many occasions they knew not what answer to give when propositions of a doubtful and uncertain meaning were laid before them.

This occasioned the disputes and contentions, which have arisen; as well as the strange and unaccountable inconsistencies, into which men of the first character and abilities in our church were seen to fall, almost in the same moment. And the same cause, which operated these differences in the beginning, still continues in great measure to work a like effect, though I am persuaded in a less violent degree, than heretofore.

I have always been convinced, that a plain explication of the most intricate and abstruse points of our religion is the easiest means of

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conciliating the minds of men to them, and the securest method of precluding wrangling and disputes. The world in general is not averse to truth proposed in its genuine and native colours, though particular persons from particular circumstances are often unwilling to make profession of it: but even then they admire and revere those, who pay the due tribute to it, which they have not themselves the courage to pay. I have been happy to see some explications of religious subjects, which I have presented to the world, received more favourably by an unprejudiced public, than I could almost flatter myself they would.

I venture at present to make a similar attempt upon two theological propositions, which have been advanced by some of our gentlemen, and which I am persuaded never would have been published under catholic names, if the persons, who subscribed them had understood the meaning of them. They were first pointed out to me as dangerous and erroneous by a learned clergyman of our church, and as it is to him that I am indebted for some of the remarks I shall publish, I take the liberty to address my letter to him. These propositions not having yet been made the
subject

subject of any particular publication, I trust, that whilst the examination of them serve to illustrate the principles and precepts of our religion, their novelty will remove part of the tediousness, which generally attends the discussion of a theological subject.

A LETTER

A L E T T E R, &c.

§ I R,

Y^OU seem desirous of knowing my opinion of two theological propositions, which have been advanced by some of our gentlemen; and tho' you are better qualified to pronounce on the nature of those propositions than myself, I shall give you my sentiments with all the precision I am able; as I am sensible, that the subject is greatly interesting to the catholic cause. The first of these propositions is contained in page 46 of the third blue book, and is couched in the following words. *In as much as the ONLY spiritual authority, which I acknowledge is that, which I conscientiously believe to have been transmitted by Jesus Christ to his church, not to regulate by any outward coercion, civil and temporal concerns of subjects and citizens, but to direct souls by PERSUASION in the concerns of everlasting salvation.*

This proposition, whether by the particular desire of the gentlemen, under whose names it is stated, or through the forwardness of the editor of the third blue book, who was willing to avail himself of such

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respectable authorities to enforce his own opinions concerning the powers of the church, appears in the last page of that book under the signatures of the following persons, Messrs. C. Berington, Brown, Strickland, Wilks, O'Leary, Mennel, Rigby, Bellaslyse, Hufsey and Archer: * and as the character of these gentlemen is of the greatest weight among Roman catholics, if through inadvertency the doctrine contained in the said proposition is not catholic, it cannot fail of having the most pernicious tendency in misleading the minds of catholics concerning a point of the utmost importance to their church. Precision and accuracy in stating theological propositions, you are sensible are no easy task; and few persons, I believe, without examining over and over again the terms, in which they wish to express their meaning upon religious subjects, are capable of warranting orthodoxy to themselves and to the world. The fore-mentioned proposition does not seem to have been weighed with the coolness and deliberation, which so intricate a subject required.

* In giving the names of the above mentioned gentlemen, in order to prevent all unfavourable surmises, I have faithfully copied the third blue book with its uncertainties and its errors. Except the R. R. C. Berington, the christian name of no single gentleman is given, nor are the surnames of all right spelt: which is a clear proof, that the proposition was not personally signed by each one present, but that their names were affixed to it by a secretary, who must have communicated his intelligenceto the editor of the third blue book, if he were not himself the same person. If any mistake intervenes the secretary therefore or editor must answer for it.

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The other proposition is found in a formal declaration of faith, which fourteen reverend gentlemen of the midland district thought proper some time ago to send to their catholic brethren. As it is a studied exposition of their religious principles, it ought to contain accuracy and precision, which are the first qualities required in profession of faith. The proposition is as follows: *of the (catholic) church we believe the bishop of Rome to be the head... supreme in discipline by ecclesiastical institution**. You ask my opinion on these two propositions, and when I have stated the meaning of them, I shall give it you, as impartially as I can.

The first thing I shall notice is, that the proposition of the blue book speaks expressly of the SPIRITUAL, not of *any indirect civil or temporal authority* of the church, which was formerly maintained by some theologians, and which the catholics of this kingdom abjured in their late oath of allegiance to government. The difference between these authorities is very great; nevertheless to the default of their not being sufficiently distinguished the unhappy dissensions, which have lately arisen among our gentlemen, are chiefly to be attributed.

* See appeal to the catholics of England by the R. R. Anthony Clough, Thomas Flynn, George Beeston, William Hartley, Joseph Berington, Thomas Stone, John Carter, John Corne, Thomas Southworth, James Tasker, Edward Eyre, John Roe, John Wright, John Kirk, page 22.

In May 1791 the legislative body of this kingdom clearly acknowledged a difference between these two authorities by substituting in our present oath the words, ANY TEMPORAL OR CIVIL JURISDICTION &c. *directly or indirectly within this realm** in lieu of those others, ANY JURISDICTION OR AUTHORITY WHATSOEVER, *that can directly or indirectly affect or interfere with* &c†. which in the form of oath first introduced into parliament it was intended we should abjure. And as it is certain, that this alteration was adopted only in condescension to the conscientious difficulties of our bishops and the greatest part of their clergy, it is plain, that both the legislative power and catholics themselves saw and acknowledged an essential difference between these two kinds of jurisdiction. If therefore after such condescension on the part of government the word *spiritual*, instead of *any direct or indirect temporal or civil authority* is again introduced into a public act to serve as a criterion of our allegiance to government, it is evident, that either the words themselves are not sufficiently discriminated and understood by the parties, who use them promiscuously, or else by substituting the word, *spiritual*, in lieu of *temporal or civil jurisdiction directly or indirectly*, that more is intended to be

* See Roman catholic oath.

† See oath of allegiance 2d blue book, page 33. The protestation uses the same general terms, *any jurisdiction or authority whatsoever*. The oath of the 1st blue book, *any spiritual authority*, &c. p. 10.

expressed,

expressed, than was ever agreed to by the catholic body or exacted of us by the legislative power.

You must recollect, that the proposition, which I am examining, although it is said to have had the unanimous approbation of the aforesaid ten clergymen on Feb. 2, 1790, at which time, perhaps, the discrimination was not sufficiently noticed, was only published in the third blue book April 21, 1792, nearly eleven months after government had given its public sanction to the change mentioned. At which time all peaceful subjects of his Majesty should have sat down contented under security of the just discrimination, which the wisdom of parliament thought proper to make.

The fore-mentioned proposition therefore as published in the third blue book April 21, 1792, evidently speaks of the *spiritual authority* of the church of Christ, and of that alone. The words of the proposition itself place this point beyond the possibility of a doubt. *The ONLY SPIRITUAL AUTHORITY, which I acknowledge is, &c.* Now undertaking to define the precise limits of this *spiritual authority*, they first tell us what it is not, and then what it is. It is *not* an authority to regulate by any outward coercion civil and temporal concerns of subjects and citizens. And it is transmitted by Jesus Christ to his church, ONLY, to direct souls by PERSUASION in the concerns of everlasting salvation. These two propositions bear very different meanings, and of course must be examined separately
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and upon different principles: but first I shall endeavour to explain the nature of temporal and spiritual power, and show in what manner they can directly and indirectly interfere with one another.

Temporal power is that, which is lodged in the hands of rulers of states (by whomever their first appointment is made) to govern their subjects in all temporal concerns by just and equitable laws; and to enforce the observance of such laws by inflicting temporal punishments, whenever men are so daring as to disturb the peace and order of society by a violation of them. As all power according to the express words of scripture is from God *, the learned Sir William Blackstone rightly infers, that sovereigns would transgress the limits of their temporal jurisdiction, if under any pretext whatever they enacted laws not conformable to and dependent upon the law of nature, and the law of revelation: which are the two great rules, which God has given man to direct him in the ways of moral righteousness, and to eternal salvation. *Upon these two foundations*, says the learned commentator, *the law of nature, and the law of revelation depend ALL HUMAN LAWS; that is, no human laws should be suffered to contradict these* †. From whence it follows by undeniable consequence, that the law of nature and law of revelation are in themselves paramount to all human laws; that is, these may occasionally be corrected and amended by the former, but never the

* There is no power but from God. Rom. xiii. 1.

† Sir William Blackstone's Comment. page 42.

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former by the latter : and such has been the case, since nature and revelation existed, which was from the beginning of the world *.

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* The learned authors of the Monthly Review for July 1794, seem to put a restraint upon this doctrine, which the commentator upon the English laws does not admit, his assertion being universal. Speaking of a *Letter to Francis Plowden, Esq. &c.* the author of which grounds his positions upon this delicate subject on the express authority and words of Sir William Blackstone, they have the following remarks page 265. "The reverend writer," say they, "appears to entertain a rooted opinion of the pre-eminence of the spiritual over the temporal authority; if in some cases he does not raise one above the other, he makes them proceed *pari passu* on a footing of independence and equality; and he fortifies all his opinions on this head with arguments drawn from holy writ—but, as man existed in a state of civilized society, before a word now contained in the scriptures was committed to writing, the authority of legislatures in temporal concerns cannot depend on that which, in point of time, was long subsequent to the exercise of the powers, with which their respective constituents had invested them, unless it be maintained that every government is a downright theocracy."

But in deference to these gentlemen's abilities it is an undeniable truth, known even from scripture itself, that the Almighty first deigned to make known his revelations to Adam and Eve in Paradise, as also after their fall: next to the antediluvian patriarchs through a long succession of ages; afterwards to their descendants from Noah to Moses' days, in the whole for upwards of 2500 years, before a single word of the scriptures was written. Now in whatever manner these revelations were preserved among men, whether by tradition or writing, certain it is, that they operated a restraint both upon sovereigns and their people in regard to all things, that contradicted the said revelations: so that it can be said of every race of men, that has existed either in a state of civilization of their own choice, or under governors immediately sent them from heaven, that they never had a power to enact laws in contradiction to the existing revelations of the Almighty. The assertion therefore of

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This doctrine of the learned judge is incontrovertible, where the law of nature and revelation are duly ascertained. Catholics, who believe the infallibility and holiness of their church to the end of days, cannot acknowledge any general declaration of their church upon doctrinal points to be erroneous, nor any general law of their church addressed to the whole body of the faithful to be immoral or unjust, and on such accounts reformable by the powers of this earth: because on these points the catholic church cannot err, as all its theologians teach*.—If the names of nature or revelation should be perverted by any ruler, either ecclesiastical or civil, to enforce an erroneous or unjust act, which cannot be done by the catholic church, in the manner just explained, such encroachments might be opposed by those, to whom they are injurious; because in those cases neither nature nor revelation would be contradicted, but only a false assumption of those titles.

An immediate opposition to, denial or alteration of any of the principles of nature and revelation is a direct interference with, and encroachment upon that authority, whatever it be, to which God has committed the dispensation of the principles of na-

our great commentator is strictly what logicians call *eterna veritatis*; it's truth transcends all times and circumstances, and it has been applicable to every collection of human beings from the beginning of the creation.

* See a Letter of a Roman Catholic Clergyman to Francis Plowden, Esq. &c. pag. 193 et seq. and more particularly pag. 203.

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ture and revelation; and the use of any temporal power, however unmixed with spiritual, for example, a display of temporal rewards or punishments made with a view of occasioning and creating in others a like opposition to, denial, or alteration of the said principles of nature and revelation, is always, even in the mildest sense of the expression, an indirect interference with and encroachment upon the spiritual authority of Christ's church.

On the contrary spiritual authority is that which was given by Jesus Christ to his church to direct men to salvation; and it is generally understood to comprize a power of defining articles of faith, deciding on morals, absolving and retaining sins, dispensing in some laws of God, where the spiritual welfare and exigencies of Christians require it, as in certain oaths, vows, &c. not to the prejudice of a third person; enjoining precepts and enacting laws for the spiritual welfare of Christians, according as times and circumstances demand, and finally of enforcing all its definitions, decisions, injunctions, laws, precepts by the spiritual penalties of excommunication, suspension, interdict and such other spiritual chastisements, which Christ has committed to the direction of the ministers of his church.

The church would interfere with, and encroach *directly* upon the power of the state, if it should undertake, even by means of spiritual weapons to overturn, change, or new model the just constitution, laws, regulations of any country; because these being the immediate and proper objects of the tempo-

ral government they cannot be invaded by any one whomsoever, or in any manner without an immediate and *direct* injury done to that power, to whose sole care and management God has assigned them. And it would be arraignable for assuming a temporal and civil power *indirectly*, if in order to enforce its own just and equitable spiritual laws, it should arrogate to itself the use of the sword by raising armies, or inflicting temporal punishments on its subjects, which powers we do not find given to the church by Jesus Christ. And however strongly the contrary opinion was abetted by some theologians, during the unequal distribution of power in the feudal system; the catholics of this kingdom having abjured the opinion in their late oath of allegiance, could not without prevarication revive the doctrine, or under any exigence of their own spiritual concerns have recourse to it again. Thus having stript their Popes of the use of all temporal power, even when judged conducive towards enforcing the observance of just spiritual laws, the remaining spiritual authority of the church cannot give umbrage to any equitable government; as is demonstratively proved by the decision made by our own wise legislators in favour of those conscientious catholics before mentioned, who refused to abjure any *spiritual* authority whatever belonging to their church, or to the Pope.

From these principles it is plain that the spiritual and temporal power exercised within their own limits cannot clash with one another. Each of these jurisdictions

jurisdictions is as much supreme in its own department, as the authority of any two sovereigns of different states; so that strictly speaking they can only run counter, when one invades the rights, and encroaches upon the limits of another. To me it is inconceivable, that a just law of the state, that is, a law conformable to nature and revelation concerning the management of temporal concerns should interfere with the spiritual welfare of christians, which is the proper object of the church's authority; nor can any regulation of the church made with a view to the sole spiritual welfare of christians clash with, or interfere injuriously with any power of the state.

If either a natural or revealed law should require the application of any temporal goods, privileges, or emoluments to be made to the church, as the scripture evidently requires the payment of tithes, or an equivalent to be allotted to the true ministers of the gospel; or should forbid the alienation or reassumption of temporal goods and privileges justly and lawfully granted to the church; the church in such cases would not interfere with the temporal power of the state, by using its spiritual authority to enforce the said payment, or prevent the alienation or reassumption of the temporal goods in question. Because in these cases there is evidently a spiritual concern, that is, the obligation of a divine or natural precept attached to the use and disposal of these temporal things; and the church in all times and circumstances has a right to enforce the observance

of a divine or natural precept, even by inflicting the severest spiritual punishments on those, who wantonly transgress its commands*.

Another inference to be drawn from these principles is, that the apprehension, under which many well meaning gentlemen seem to labour of catholics erecting, an *imperium in imperio*, a government within a government, by attributing such powers to their church, is utterly groundless†. The object of the church's authority is separate and distinct from that of the state. If in the intercourse of human life the church makes certain regulations for the necessary or better observation of the divine commands, no right of earthly powers is thereby invaded; because these regulations are made on objects not subjected to earthly powers; who have not

* The case of the unfortunate Ananias and Saphira sufficiently proves, that private individuals have not a right to reassume at their pleasure, things once appropriated to the service of God and the church. And as it is pretended, that the rights of legislators is only a collection of the rights of individuals, such power not belonging to individuals, it cannot of course be justly claimed by legislators at their arbitrary and despotic pleasure.

Nevertheless in donations made to the church under the sanction of any restrictive laws, or on particular conditions, for example, under the laws of mortmain, or on condition that the said goods should remain taxable for the benefit of the state, such restrictions and conditions being affixed to ecclesiastical donations in the first instance remain ever afterwards attached to them; because in reality not the whole of those goods and possessions, but only their neat surplus, if it may be called so, that is, the part which is unaffected by the said restrictive laws and conditions is given to the church.

† See the Monthly Review for July 1794, pag. 266.

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the direction of consciences, and can only claim a command over temporal things, when and as far as the use and disposal of them do not interfere directly or indirectly with a divine or natural precept. And whilst the use of the sword is withheld from the church, even where its own service seems to require it, laughable must be the idea of a government, that should be erected without the power of the sword.

One or other of the seven commandments comprised in the second table of the decalogue makes some regulation concerning almost all, perhaps I shall speak with greater accuracy, in saying every disposition of temporal things, that can be settled and agreed upon among men: between sovereigns and their people, parents and children, aliens and denizens, men and wives, buyers and sellers, in public transactions, and in the private commerce of human life, and the two last precepts announce their forbiddance even of the ideal encroachments, which an imprudent man may make within his own breast upon the enjoyment of his neighbour's wife, or his neighbour's goods. So closely do the divine and natural law watch over all the transactions of men, even their civil and temporal concerns, which never can be adjusted with propriety, but in proportion as they are conformable to their rules.

Hence the jury, which acquitted the six petitioning bishops from the charge of sedition, which was brought against them by the second James, was under no apprehension of establishing a government
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within a government, when it declared it to be *the duty of the defendants, as prelates, to attend to the interests of that religion, which was committed to their charge*; though their attention was directed and shown in no other manner than by opposing a temporal act of their temporal sovereign, namely. James' dispensation of a civil law of the land *. The opposition which the bishop of London made to the will of his sovereign by raising troops for the Prince of Orange was an assumption of a civil *and temporal power indirectly*; and if considered as the act of a bishop, was unquestionably blameable; but a refusal to obey the command of the king to publish the act of indulgence in the churches, if the interests of Christ's true religion were involved therein, was no act of sedition or disobedience, nor an attempt to erect a government within the government, that was established in the country; because in the given case James by acting in opposition to the religion of Jesus Christ would have extended his authority over objects, that were not under his controul: and in all such cases the acts of sovereigns themselves may be contradicted by the spiritual governors of the church of Christ.

Having premised these observations, I shall proceed to give you my opinion on the proposition of the third Blue Book. If in any propriety of human language a *spiritual* can be called a *civil and tem-*

* See Letter of a Roman Catholic Clergyman, &c. page 126, and more particularly page 182.

poral power indirectly, and if by outward coercion is understood, only that species of force and violence, which is displayed by a general at the head of an army, by a temporal judge in condemning a criminal to death, or by an executioner on the scaffold, no such powers being granted to the church, a proposition declaring that no spiritual authority has been transmitted by Jesus Christ to his church, to regulate by any outward coercion civil and temporal concerns of subjects and citizens, must in the obvious sense of the words so understood be unexceptionably true. But on the contrary if in no dictionary of the English language spiritual is found to signify temporal even indirectly, and if under the common genus of outward coercion are comprised all species of outward coercion spiritual as well as temporal, then to deny the existence of all spiritual authority in the church of Christ, to regulate by any outward coercion civil and temporal concerns of subjects and citizens, according to the tenor of the forementioned proposition, is not only a false, but I will maintain in the face of any catholic university in Christendom, an erroneous and heretical proposition in the obvious sense of the words. The plain reason whereof is, because civil and temporal concerns through the error or malice of those, who conduct them, are often made to run counter to the laws of nature and revelation, and in all such cases the governors of the church have an inalienable right to enforce the observance of the natural and revealed law by the use of those
spiritual

spiritual arms, which God has placed in their hands*.

Cardinal Bellarmine, who is acknowledged even by his adversaries to be particularly fair in stating the opinions of the enemies of catholicity, and in expounding the defined articles of his own religion, speaks of the present question in terms, which leave no room to doubt what the decided faith of the catholic church is concerning it. "We are only "speaking at present," says he, "of the Pope as "bishop of the whole catholic church. And the "question is whether he has a true power over all "the faithful in spirituals, as kings have in tem-

* The formal opposition, which two of the gentlemen, under whose names the proposition of the third Blue Book is stated, namely the Right Rev. Charles Berington and Rev. Joseph Wilks have made to the condemnation, which was passed first by all, then by three of our catholic bishops upon a form of oath containing the same doctrinal principle, which this proposition contains, must naturally expose me to be called upon by those gentlemen, when I declare the said principle to be heretical. But if in order to spread their erroneous doctrines among catholics, they have not scrupled to hold out, under a solemn invocation of the Deity an irregular protest against all that has been and can be decided on this subject by our bishops, an individual, who at the risk of his theological reputation vouches to be more accurate on this point, than either of those gentlemen has shewn himself, may be allowed to declare what doctrines are regarded as heretical; what as orthodox in his church. The other eight gentlemen, whose names are affixed to this proposition not having shown the like opposition to the mandates of their bishops, it is natural to presume, that no formal resistance was intended by them to the established authority of their church, though their language is erroneous; and of course it would be unjust to accuse them of such an intent.

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" porals; so that as fovereigns can make civil laws,
 " and punish transgressors with temporal punish-
 " ments, the Pope in like manner can enact eccle-
 " siastical laws, that are truly binding in conscience,
 " and punish transgressors with the spiritual penal-
 " ties of excommunication, suspension, interdict,
 " &c. What temporal or civil power may directly
 " or indirectly be attributed to the Pope, I shall ex-
 " amine in the following book; at present I am only
 " undertaking to treat of his spiritual or ecclesiastical
 " power, the end whereof is eternal life *.

Having premised this declaration he states the
 opinions of Luther and his associates upon this sub-
 ject, in as far as they are contrary to the tenets of
 the catholic church, and he reduces their doctrines
 to the three following heads. " First," says he,
 " they teach that bishops and of course the pope
 " may make certain regulations for the preservation
 " of discipline in the church, for example, declare
 " on what day the faithful shall go to church; in
 " what manner and by whom psalms shall be sung,
 " the scriptures read, &c. yet so, that the said regu-
 " lations do not oblige in conscience, unless on ac-
 " count of scandal; but that it is free to follow or
 " not to follow them, where no scandal is given.
 " But that neither popes nor bishops can exact any
 " law, which is not expressly in the scripture.

" Secondly they not only deny a power in the
 " pope or bishops to enact any new laws, but more-

* Bellarm. de Rom. Pont. lib. 4. cap. 15.

“ over teach, that christians cannot be compelled by
 “ an authoritative command to observe the law of
 “ God, nor proceeded against in form of judgment
 “ in case of transgression; but only be directed by
 “ exhortation, admonition and reprehension to their
 “ duty.

“ Thirdly, they acknowledge indeed in the church
 “ a power of excommunicating, that is, of rejecting
 “ incorrigible men from its society, but they teach
 “ this power not to be inherent in a pope or bishop,
 “ in his papal or episcopal capacity, but only in the
 “ church, that is, in the assembly of ministers, and
 “ this with the consent of the people. The reason
 “ whereof is, because as to authority they will not
 “ have the pope to be above a bishop, nor bishops
 “ above priests, and they only allow priests power
 “ to preach and administer the sacraments to those
 “ men, to whom they are sent by the secular magi-
 “ strate.” These are the heads of the Lutheran
 doctrine.

“ But,” says the learned cardinal, “ it always
 “ was the belief of the church of God, *in ecclesia*
 “ *Dei semper creditum est*, that bishops in their dio-
 “ ceses, and the Roman pontiff in the whole church
 “ are true ecclesiastical princes, who by their own
 “ authority, even without the consent of the people,
 “ or advice of priests can make laws, that are bind-
 “ ing in conscience, judge in ecclesiastical causes,
 “ like other judges, and finally punish” * in the

* Bellarmine *supra*.

manner above explained. According to Bellarmine such is the defined dogm of the catholic church in opposition to the principles maintained by the Lutherans.

It would be needless to enter into a detail of the arguments, by which the cardinal proves these tenets of his church; as controversy would evidently become useless, if any gentlemen among us should chuse to renounce their ancient principles and go over to a different religion. In that case they would enjoy the same liberty, which divines of all denominations in this country have to abet their own sentiments; and provided they did not undertake to govern catholic dioceses, or assume the management of catholic congregations without acknowledging the spiritual commission, by which those dioceses and congregations have hitherto been governed, no catholic, it is presumed, would enter the list of polemical combatants against them. They would be allowed to run their new theological course in peace, as all others are. But if under the name of catholics they obtrude erroneous doctrines upon us, we also must be allowed on our part to enquire what *the belief of the catholic church always was*, and if it is found contradictory to the new broached tenets, every individual has a right to call his brother to order on points of faith, and oppose the attempt that is made to corrupt the doctrines of his church. In moments of public danger every child of the family has just reason to complain, *if the sons of his mother fight against him**.

* Canticle i, 6.

It is on this account that I have stated the Catholic and Lutheran doctrines in the words of Bellarmine before cited, that every one may know the faith which his church requires of him. Whatever be the opinion of that author upon points not immediately connected with faith, no one is more accurate in determining the defined dogm of his church than himself. Whence the citations, which I have given from him upon the subject of the disputed proposition, may serve as a standard of instruction to those, who are not duly acquainted with the niceties of the present contest. How far the proposition of the Blue Book coincides with the Lutheran tenets, and how far it recedes from the accurate catholic truth are the points I must examine.

But I first beg leave to declare, that my meaning in any thing, I shall say, is not to accuse even indirectly, the gentlemen, who have mistated our principles, of a premeditated and malicious intention to corrupt the doctrines of our church, and to lead their brethren into known error. Such is neither my assertion, nor is it my belief. Though I cannot offer an excuse for their opposing in an irregular and uncanonical manner the decision of our bishops, whose duty it is to instruct the faithful committed to their charge on every doubtful and uncertain point of religion, yet I conceive, that in the first instance before the bishops spoke, there were grounds to form a favourable presumption of the upright intentions of these gentlemen. For if

one part of their proposition, namely the negative member, which I distinguished before, should be explained under certain restrictions (though according to strict theological accuracy it is not susceptible of such an explication) and should be brought to mean no more, than that the rights of temporal governors as established by God, are not to be invaded by the spiritual power of the church, which is probably all that was first meant by them, the proposition would not be erroneous, nor in any manner censurable. In reality it would then import no more, than what is contained in the first of the four noted gallican propositions, which the church has not condemned, and which many persons are of opinion these gentlemen wished to set forth, as a sample of their own faith.

But in stating a theological or philosophical proposition the addition or subtraction of a single word, or only the change of a particle oftentimes creates an essential difference. Nay the very same word placed in a different situation in a negative or affirmative proposition according to the received rules of dialect admits of greater or less latitude; and of course necessarily creates a different sense. The gallican proposition is, that *kings and princes in temporals are not subjected by the ordination of God to any ecclesiastical power**; the natural meaning of which proposition is, that *kings and princes have by right the government of temporals, and such their*

* See first Gallican proposition.

government of temporals by the ordination of God is not subjected to any ecclesiastical power. The first part of this compound proposition being affirmative admits only a particular, or limited sense in its predicate, namely, the word *temporals*, as logicians teach; that is, kings and princes cannot govern all temporals at their arbitrary pleasure, but only in such manner, that their government is made conformable to the law of nature and revelation, as Sir William Blackstone told us before: and undoubtedly it is said with the greatest propriety, that such government is not controulable by, nor subjected to any ecclesiastical power, in the same manner as St. Paul told the Galatians, that *against such, as are filled with the fruit of the spirit, there is no law.*

On the contrary in the negative proposition of our gentlemen: *no spiritual authority can regulate by any outward coercion civil and temporal concerns of subjects and citizens*, every thing, that is denied of the spiritual authority of the church, by the rules of logic is to be taken in its greatest latitude and extension: and the natural meaning is: *no spiritual authority can regulate by any outward coercion (whether spiritual or temporal) any civil and temporal concerns of subjects and citizens*, not only those, which are regulated in conformity to the laws of nature and revelation, but even others, wherein the laws of nature and revelation are transgressed. This proposition bears a very different sense from the former, and is diametrically contrary to what

Bellarmino

| Bellarmine assures us *always was believed in the church of God.*

A want of attention to these logical niceties is probably the real cause, that has raised in the breasts of the forementioned gentlemen the opposition, which they have shown to the bishops of our church, who condemned their oath, and to the pope, who sanctioned the condemnation of the bishops*. I scarcely believe that they would continue their opposition,

* After the Encyclical Letter of the four Apostolical Vicars, dated October 21, 1789, condemning the new form of oath intended for the catholics of this kingdom, and published in Woodfall's Register on the 26th of the preceeding June, had been sent to and examined at Rome, Cardinal L. Antonelli, president of the congregation de propagandâ fide, which court officially transacts the business of the Pope with the catholics of this kingdom, wrote to the three surviving bishops (the Rt. Rev. James Birthan died January 26, 1790) who had condemned the oath, the following letter on the 20th day of the ensuing March.

Haud vehementer mirari non possumus oblatam apud vos a quibusdam, cum regni comitia habebantur, quamdam juramenti formulam, quæ sane catholicos viros minime decebat, nec fidei ac Patrum regulis erat consentanea. Itaque tuam aliorumque, vicariorum apostolicorum constantiam magnopere laudavimus, quod sub die 19, Octobris elapsi anni simul conveneritis, eamque non modo improbandam esse censueritis, sed etiam encyclicâ epistolâ typis editâ edixistis, ne quis fidelis auderet novum ullum juramentum suscipere, aut se ulli declarationi subscribere, quæ ad religionem pertineret, sine approbatione proprii Episcopi. De hoc tam laudabili zeli ac religionis vestræ nonumeto SSimus Dominus Noster, nosque ipsi vobiscum iurifice gratulamur atque propterea confidimus, vos diligentissime curaturos, ne res catholica aliquid detrimenti patiatur.

We cannot but be greatly astonished at a certain form of oath (intended to be) brought forward by some persons among you during the sitting of parliament, which by no means was becoming catho-
lica,

opposition, if they were made sensible, that their doctrine contradicts the received tenets of the catholic church. But to understand the meaning of an heretical proposition it is not sufficient to regard a mere vague similarity, that may appear between such proposition, and another, which is acknowledged orthodox; nor yet for the abettors of an erroneous opinion to appeal to their own upright and orthodox intentions of not advancing any thing contrary to the doctrines of the catholic church. The rule, which divines follow is to reduce the contested assertion to the strict terms of logical precision, and when the natural sense of a proposition is determined, to declare how far it is agreeing with, how far disagreeing with known articles of the catholic faith. This I have endeavoured to do, and till the gentlemen shall show some flaw in my logical reasoning, I shall ever insist, that even the negative member of their proposition, which I distinguished before, is inadmissible by Roman catholics; because it con-

lies, nor agreeing with the rules of faith and of the Fathers. On which account we highly commended your firmness, and that of the apostolical vicars, that on the 19th day of October last you met together, and not only judged the said form of oath worthy of censure, but decreed in a printed Encyclical Letter, that none of the faithful should dare to take any new oath, or subscribe any declaration, which regards religion, without the approbation of their own bishop. The holy Father and we ourselves send you our most hearty congratulations on this laudable specimen of your zeal and religion: from whence we conceive the strongest hope, that no diligence will be wanting on your part for the preservation of the catholic religion.

tradicts

tradition's doctrines that have always been believed in their church.

As to the other member, the positive part of their proposition, it is in like manner, or if possible, still more avowedly heretical. The doctrine contained in this part is the identical doctrine of the Lutherans, set forth by Bellarmine in the words which I cited p. 17 and 18, under the second head of their principles; and is so diametrically contrary to catholic doctrine, that the only subject of astonishment to me is, how men of a theological education, who had not taken the resolution to alter their religious persuasion, could propose to their catholic brethren, as a salvo *to remove every difficulty respecting the spiritual jurisdiction* * of their church, a clause, which every book of divinity that they take in hand marks out to them as formally condemned by the church. But in the heat of contention the most explicit and formal decisions are often overlooked.

Polemical proofs of the truth of the catholic tenet, as I before observed, would be entirely useless on this occasion. For as catholics are only desirous to know the principles, which their church abets, and the principles, which their church condemns, on the attainment of this knowledge all controversy must cease between them. In the present case nothing can be more certain than, that the spiritual obedience exacted by the Roman Pontiff and bishops of of the catholic church to their authoritative man-

* 3d Blue Book, pag. 46.

dates, bulls, decretals, &c. has at all times been uniformly asserted, as a matter of bounded duty, by the bishops of the church, and as uniformly opposed and contradicted by reformers, especially those who lived since the fifteenth century. But a short detail of these facts will serve to put the matter in a clearer light.

Wicleff, who stands foremost in the list of opponents to ecclesiastical authority, not daring as yet to obtrude the novel doctrine upon the church which is since become fashionable, viz. that *Popes and bishops can only direct souls BY PERSUASION in the concerns of everlasting salvation**, grounded his exceptions against their authority rather upon a supposed forgery of the laws, they had enacted, than upon a right to withstand such laws if they had been acknowledged genuine by the faithful. *The decretal epistles*, said he, *are apocryphal and seduce men from the faith of Christ, and the clergymen who study them are fools*†. This proposition was condemned by the council of Constance. John Hufs improved upon the doctrine of his friend and predecessor: *Ecclesiastical obedience is an obedience according to the invention of the priests of the church, beyond the express authority of the scripture*‡; and his assertion met with a like fate, being condemned by the same council of Constance. Luther denied the existence of all authoritative power in the church after the days of

* 3d Blue Book, pag. 46.

‡ Art. 18. Joan Hufs.

† Art. 38. Joan. Wicleff.

Peter: *The word of Christ to Peter, WHATSOEVER THOU SHALT LOOSE ON EARTH, &c. is extended ONLY to the things bound by Peter himself**, and the church under Leo X. condemned the pernicious error.

Quesnel instructed his deluded followers to laugh at papal and episcopal excommunications, and endeavoured to persuade them, that this high act of spiritual authority can only be exercised by the pastors of the church by the agreement and consent of the people. *The church has authority to excommunicate in order to exercise it by its first pastors with, at least the presumptive, consent of the whole body†.* However not only many bishops of France, but even his most Christian Majesty himself earnestly solicited Pope Clement XI. to pass judgment on this and other similar errors, destructive of the spiritual authority of the church, which are contained in the noted *Moral Reflections upon the New Testament by Father Paschasius Quenell*, and the Pope attending to their prayers published his bull of condemnation, *Unigenitus*; which is received by all the bishops of the church. But if a perfect similarity, or rather identity of language is required to prove the assertion of the 3d Blue Book to be erroneous, I remember meeting with an assertion of John of Westphaly condemned at Mayence an. 1479; which if the upright and orthodox intentions of the gentlemen of the Blue Book were not publicly known, I should

* Art. 26. Mart. Luther.

† Prop. 90. Pasch. Quenell See also Prop. 91, 92, 93, 94.

presume had served as a sample for their extraordinary assertion. *The prelates of the church cannot enact a law, that is binding in conscience, but ONLY EXHORT men to keep the commandments of God.*

But the most striking proof of the error of this proposition is perhaps the recent bull of Pius VI. published the 28th day of August 1794 against the schismatical synod, and bishop of Pistoria, Scipio de Ricci.—Of eighty-five propositions, which the bull condemns the fourth and fifth are conceived in the following words, and receive the following censure.

From the decree on faith, § 13, 14*.

Fourth proposition affirming, that it would be an abuse of the authority of the church to transfer the same beyond the limits of doctrine and morals, and to extend it to outward things, and to exact by force what depends upon persuasion and the heart: and likewise, that it much less belongs to the church to exact by outward force subjection to its decrees.

In

* Decreta de fide, § 33, 14.

IV Propositio affirmans abusum fore auctoritatis ecclesiae transferrendo illam ultra limites doctrinae ac morum, et eam extendendo ad res exteriores, et per vim exigendo id, quod pendet à persuasione et corde; tum etiam multò minus ad eam pertinere, exigere per vim externam subjectionem suis decretis;

Quatenus

In as much as these indefinite words *extend to outward things* import, that the use of the power received of God, of which also the apostles themselves made use to constitute and establish exterior discipline, is an abuse of the authority of the church, the said proposition is

Heretical.

Fifth proposition in the part, wherein it insinuates, that the church has not authority to exact submission to its decrees, otherwise than by means of persuasion,

In as much as it implies, that the church *has not a power conferred upon it by God to enact laws, as well as direct by counsel and persuasion; and to controul by the coercive and coactive means of outward judgment and wholesome chastisement the disobedient* and

Quatenus indeterminatis illis verbis, *extendendo ad res exteriores* notet velut abusum auctoritatis ecclesiæ usum ejus potestatis acceptæ à Deo, quâ usi sunt et ipsimet apostoli in disciplinâ exteriori constituendâ, et sanciendâ,

Hæretica.

V. Quâ parte insinuat ecclesiam non habere auctoritatem subjectionis suis decretis exigendæ, aliter quàm per media, quæ pendent a persuasionem ;

Quatenus intendat ecclesiam *non habere collatam sibi à Deo potestatem non solum dirigendi per consilia et suasionem, sed etiam jubendi per leges ac devios contumacesque exteriori judicio ac salubribus pœnis coercendi atque cogendi*, ex Ben.

XIV.

and refractory, from the brief of Ben. XIV. *ad assiduas*, an. 1755, to the primate, archbishops and bishops of the kingdom of Poland,

is tending to a system already condemned,
as heretical.

These two propositions, and the censures annexed to them sufficiently show the meaning and nature of the proposition of the third blue book, and the light, in which all catholics are bound to regard it. As the bull of Pius VI. is general, addressed to all the faithful of both sexes, no individual of the catholic communion, at least inferior in dignity to a bishop, can form the smallest pretext to refuse his submission to it: nay even the said bull being already received by the bishops of Italy, Germany and other countries, through which it is brought to us, without a single prelate having hitherto declared against the papal decisions as new and unheard of in the church, there is not only the strongest presumption, but in our regard even unexceptionable proofs of the acceptance of it by the bishops of the church, which some theologians require as a condition requisite to render such definitive judgments of the Pope irrefutable.

It cannot be expected, that we should wait the return of the packets from China, and of the ga-

XIV. in brevi *ad assiduas* anno 1755. primati, archiepiscopis, et episcopis regni Poloniz,

Inducens in systema
alias damnatum ut hæreticum,

leons

leons from Chili and Peru, to know the sentiments of the catholic prelates in those parts before we are bound to censure, and abjure from our hearts a doctrine, which all catholic bishops, with whom we commune in Europe, do not refuse to censure and reject in the terms, in which the Pope censures and rejects it. If such however were perchance the opinion of a single bishop *in partibus* and of eight private clergymen in this country, I should not only feel myself humbled, that the annals of English ecclesiastical history cannot produce a submissive Fenelon at the end of the eighteenth century, as well as those of France did in the former; but should moreover be sorely hurt to see a horrid dissension protracted among the well meaning catholics of this country upon a subject, of which no man, who is conversant with the principle of his religion, can form a reasonable doubt.

In fact, independently of the various decisions of the church, which I before cited, *An authority to direct souls in the concerns of everlasting salvation by persuasion ONLY* is neither a power to define articles of faith, nor to decide on morals, nor to loose the obligation of some divine precepts in certain cases, nor to bind men to the fulfilling of them in others, nor to absolve from sin, nor to judge and chastise delinquents, nor to enact laws, nor to enjoin observances, nor to capacitate ministers to preach and administer the sacraments, nor to inhibit the exercise of preaching and administering, all which powers it *always believed in the church of*
God

God were imparted by Jesus Christ to his true ministers upon earth. *Directing by persuasion in the concerns of everlasting salvation* is rather a common duty incumbent upon all christians, whenever opportunity offers, than the exclusive right and privilege of that chosen race of men, to whom our Saviour said, *whatsoever you shall bind upon earth, shall be bound also in heaven: and whatsoever you shall loose upon earth, shall be loosed also in heaven**.

As a last proof of what I have advanced I shall observe, that none of these essential prerogatives of the church, which I have here described are denied by the abettors of the four famous Gallican propositions; whose authority is generally held forth by the innovators of the present time to justify whatever alterations of doctrine they think proper to introduce. The Pope complains in the strongest and most sensible terms of this scandalous abuse in his bull against the synod of Pistoria, and if only an harmless intention of introducing Gallican principles into this kingdom has formed among us the new and unusual language, which is now become fashionable, the catholics of this kingdom have reason to complain loudly of the same, since under the terms now made use of and adopted by some of our writers it is demonstrable, as I have shown, that the exploded errors of Luther and his associates are set forth, in lieu of the principles of the Gallican doctors, which the church has not formally condemned.

* Matt. xviii. 18.

The advice of our Saviour is : *Beware of false prophets, who come to you in the clothing of sheep, but inwardly they are ravening wolves**. Though an experienced keeper with the best and most innocent intention of displaying his abilities should assure me, that the animals under his care had laid aside their natural ferocity, or could be prevented from hurting me by his superior dexterity, I could not according to our Saviour's direction prudently place myself within the reach of their jaws. With this observation I shall close my remarks upon the proposition of the third blue book.

The other proposition, upon which you ask my opinion, is of a different nature and tendency. It does not, like the former, deny the existence of a truly coercive and authoritative spiritual power in the church, as before explained, but speaks of the source, from whence *the bishop of Rome*, who is acknowledged *head supreme in spirituals of the catholic church by divine appointment* derives his commission to be *supreme head in discipline* of the same church; and the Staffordshire gentlemen assert, that it is from *ecclesiastical institution*. *We believe our church to be an infallible guide in all, that appertains to salvation. Of this church we believe the bishop of Rome to be the* HEAD SUPREME IN SPIRITUALS *by divine appointment, SUPREME IN DISCIPLINE by ecclesiastical institution.* They afterwards add: *we believe that the jurisdiction of bishops is of divine origin†.*

* Matt. vii. 15.

† See Appeal, &c. p. 22.

To pronounce upon the truth or falsehood of this proposition we must determine its natural signification, agreeably to the rule laid down on the former occasion, and then examine how far it agrees or disagrees with catholic doctrines. But first you will allow me to observe, that the Staffordshire gentlemen make a distinction on this occasion, which I confess, I noways understand.

For the Pope to be *head supreme of the catholic church in spirituals by divine appointment*, and not *supreme head in discipline* by the same appointment, it is necessary, that *spirituals* and *discipline* should be not only in some manner different, but so wholly unconnected and independent of one another, that one is not in any manner included and comprehended in the other. I shall explain my meaning by an example.

When the Pope is said to be head supreme *in spirituals*, and not *in temporals*, the proposition is only verified by *spirituals* and *temporals* being completely different and unconnected objects; so that one is not conceived to belong to, nor to be comprised in any manner in the other. If it were asserted by any rash theologian in this kingdom, that the spiritual power of the Pope comprised in itself, even indirectly the management of temporal concerns, the Staffordshire gentlemen know full well what a vehement outcry the indiscreet proposition would occasion; and if at this day they actually acknowledge an independent spiritual sovereignty in the Pope on one hand, and an independent temporal sovereignty

sovereignty in the legislature on the other, it is only by making the objects of the respective powers entirely distinct and unconnected, that they can with any propriety maintain the two assertions. In like manner to verify, and even make sense of the present proposition, they must show, that *the spirituals*, over which Jesus Christ *appointed the bishop of Rome to be head*, in no manner comprise in themselves ecclesiastical *discipline*, and that ecclesiastical *discipline* can be established independently of the *spiritual headship*, which Christ gave to the bishop of Rome, when he *appointed him to feed, rule and govern the universal church*, as the council of Florence teaches; which it is presumed will not be easy for them to do.

In my observations upon the foregoing proposition I proved that the spiritual authority of the church, in whatever hands it is lodged, and by whomsoever it is administered, according to the catholic faith necessarily includes a power of making regulations and enacting laws of discipline; so that the man is no Roman catholic, who with-holds this branch of spiritual authority from the church. Upon this *datum* I shall argue as follows.

Either *the bishop of Rome*, when he is acknowledged *head supreme in spirituals of the catholic church by divine appointment* is declared to be *head supreme in discipline* by the same *divine appointment*, or he is not. If he is not, he does not hold the headship of that spiritual power, which the catholic faith teaches is given to the church, and it is

mockery to call him *head supreme in spirituals of the catholic church*, when an essential part of the spiritual power of the church is withheld from him.— If he is, useless and impertinent is the distinction, which these gentlemen make between a headship in *spirituals* constituted by divine appointment, and a headship in *discipline* created by ecclesiastical institution, and erroneous must be the proposition, which derives to the bishop of Rome a commission to preside as *head over the discipline* of the church from ecclesiastical institution, when he already enjoyed that power by the appointment of Jesus Christ. The fact is, either he is divinely appointed to be *head supreme in discipline*, or he is not appointed to be *head supreme in spirituals*; which latter seems to fall in more closely with the tenets, which one of the gentlemen, who signed the Staffordshire declaration, has published elsewhere upon this subject*.

It is then no easy task to fix a rational signification to the proposition in question; and of course you will perhaps infer, that it is equally difficult for me

* The Rev. Joseph Berrington in his *Reflections addressed to the Rev. John Hawkins* speaking of the Pope has the following words "To him belongs no *absolute . . . jurisdiction . . .* He has indeed his *pre-rogative*: but we have our privileges, and are INDEPENDENT ON HIM, EXCEPTING WHERE IT HAS PLEASED THE COMMUNITY, for the sake of unity and good order to SURRENDER INTO HIS HANDS A LIMITED SUPERINTENDENCE." p. 69. These words seem to acknowledge no other supremacy in the Pope, than what is granted by the people.

to pass a rational judgment upon it. If the generality of catholics saw the proposition in the light I do, I should not indeed trouble myself nor them with making any further remarks upon it, as I can hardly presume, that any of them would be so weak, as to give up the reasonable principles of their faith for an empty sound of unmeaning words, to which no signification can be attached. But experience shows, that even sounds have their charms, and that men are more frequently led astray by emphatic expressions, than by an appearance of argument, though destitute of all foundation in reason and good sense.

I cannot indeed account in any other manner for this strange inconsistency, than that illiterate men always suspecting mysteries to be concealed under what they do not understand, are easily caught by and form parties in favour of those, who use a language and expressions, to which their ears have not been accustomed; as it is natural to suppose, that some fresh and important discovery is contained under new words. And when a party is formed, no rules of common sense can bring them back again to the plain and artless modes of thinking and speaking, to which they were formerly habituated. I declare upon the faith of a catholic divine, that I can attach no theological meaning to the word *spirituals*, which does not comprehend in itself a power of settling *ecclesiastical discipline*, nor can I understand any *ecclesiastical discipline*, which is not settled

settled by the sole *spiritual* power of Jesus Christ's church. Before the Staffordshire profession of faith made this distinction, I believe it was never thought of by any masters in our schools of divinity.

As I am not however inclined to think, that the Staffordshire gentlemen wish to impose upon their catholic brethren by amusing them with a mere empty sound of words, without an intended meaning, though it is inconsistent with the ideas of catholic theology, I shall endeavour to collect from circumstances and from the words of their profession of faith what most probably their meaning may be.

They begin with assuring us, that they *believe their church to be an infallible guide in all that appertains to salvation*. However favourable to catholic tenets this declaration may appear at first sight, upon closer examination it will be found not only to over-run the received principles of orthodox theologians, but to level a fatal, though indirect blow at the essential and divinely instituted authority of Jesus Christ's church. For if the catholic church is an infallible guide in all that appertains to salvation, it follows by an immediate and undeniable consequence, that nothing appertains to salvation but what the church directs us to in its capacity of an infallible guide: and of course all the decrees, orders and commandments of the church, which are not infallible, no ways appertain to salvation, but it is a matter of indifference whether men submit to them or not.

Now

Now if this be admitted, a considerable or the greatest part of the spiritual jurisdiction of the church is at once annihilated. For though in matters of faith and in things essentially connected with faith the divine founder of the christian church promised, that his holy spirit should guide it into all truth to the end of time, yet in other things the church is not exempt from error, and we know, that a Pope, even at the head of and in conjunction with a general council may be mistaken in particular facts, as well as other men. By means of these observations I think we shall lay hold of a clue, that will bring us to a discovery of the intended meaning of the Staffordshire gentlemen.

For whilst in one part of their profession of faith they annex an idea of infallibility to all that appertains to salvation, and in the other they do not allow the bishop of Rome to be divinely appointed *head supreme of the catholic church*, unless it be *in spirituals*, it is natural to conclude, that their ideas of *spirituals*, and *infallible decisions* are convertible, and that they mean one and the same thing. At least it is undeniable, that with them no spirituals can appertain to the salvation of christians, which are not dispensed and administered under an infallible decree. And as it is only necessary to believe the Pope to be infallible, when he decides on matters appertaining to faith in conjunction with the bishops of the church, it follows, that unless it be on such matters, and in such circumstances, we are not bound to acknowledge any spiritual power inherent

rent in him through the appointment of Jesus Christ.

All other parts therefore of the papal prerogative can only preside over and have for their object those things, which are called points of discipline; and though the Staffordshire gentlemen allow the Pope to exercise an authority in such things through *ecclesiastical institution*, that is, because *it has pleased the community for the sake of unity and good order to surrender into his hands a limited superintendence over them*, yet they do not permit him to claim a divine right of superintending, nor to issue his orders, as the acts of an *absolute and independent jurisdiction* conferred by Jesus Christ, and not by the people.

The meaning therefore, I say, of their proposition must be, that except where the Pope acts his part in forming and issuing infallible decrees concerning matters of faith, or things essentially connected with faith, he is not *by divine appointment* possessed of any *supreme spiritual jurisdiction*, to which catholics according to the principles of their religion are bound to submit. If this is not the meaning of their words, I know no meaning they can have.

Though this doctrine is plainly contradictory to the catholic faith, yet in the late reforms, that have been attempted among us, it has not only not been disavowed, but openly countenanced by many of our gentlemen. I have heard a respectable person, of whose orthodoxy and attachment to his religion I had otherwise no reason to doubt, gravely assert, that

that the decrees of a general council, except where they are enforced in the form of canons and under anathema are not conscientiously binding; and the same doctrine you know has been avowedly maintained by more than one of our writers in the late contests. Whether the Staffordshire gentlemen professedly wish to enforce and establish this system among us, as orthodox; or that they were incautiously betrayed into the error by the gentleman, who is generally supposed to have written their profession of faith, the R. Joseph Berington*, I will not take upon myself to determine; their proposition at least, as analysed above, can have no other signification.

That a point however, upon which all ecclesiastical subordination essentially depends may not be so grossly mistaken, I shall endeavour to explain both the nature and extent of that infallibility, which roman catholics pretend to be granted to their church; and the grounds and nature of the spiritual authority of the church, to which all catholics throughout the world believe themselves bound to submit. A simple exposition of these principles will perhaps be the easiest and most effectual method of refuting the errors contained in the Staffordshire proposition, and in various other works of our gentlemen published upon the same subject during these latter years.

† The principles of the R. Jos. Berington concerning the power of the Pope were stated before, pag. 36.

That noted infallibility of the catholic church, for and against which so much has been said and written in this country, is nothing else than a promise of Jesus Christ to protect the successors of his apostles from error in point of doctrine till the end of time: so that catholics believe the same identical revelations to be unerringly taught in their church at present, as were dispensed by the apostles themselves immediately after the ascension of Jesus Christ.

Whether the gift of infallibility attaches to the decrees of the bishop of Rome, whom all catholics regard as the spiritual head of their church; or is found only in the general determinations of the whole body of our bishops is a matter of indifference to our faith. The negative or affirmative opinion concerning the papal infallibility may be maintained without breach of catholic unity, as theologians judge the reasons for or against it to be most cogent. But whether the Pope or the church itself is said to be infallible, the grace of infallibility, which we claim is not extended by any of our divines beyond the line of revelation, or things essentially connected with revelation.

But to be more minute on a subject, which is so interesting to our religion, and has given birth to so many slanders, that have been raised against us, the only points, in which we are bound, as catholics, to believe our church to be infallible are, first, in determining the primitive revelations of Jesus Christ, that is, in declaring what doctrines are, and what
are

not conformable to the revealed articles delivered in the beginning by Christ to his church. Secondly in pronouncing upon dogmatical facts, which are essentially connected with revelation*. And thirdly, if the following can be regarded as a distinct point from the two former, in enacting general laws and issuing general commands to the whole church concerning things, that are morally good, or morally evil; because if an error intervened in such laws and commands, it would necessarily infer an error in faith, and unholiness in the catholic church; which cannot be admitted. In all other things it is not contrary to faith to acknowledge the church capable of erring; so that in particular facts depending upon the testimony of men, and even in laws not enjoining evil, nor forbidding good, but made upon indifferent subjects, we are not bound to believe the church infallible; but the same oversights and mistakes, to which other legislative bodies are subject, may intervene in the acts of our church.

But under the possibility of such mistakes another query is whether there is a strict command given by the divine founder of the christian church for all christians to obey the laws of the church; though even an error or act of imprudence in forming those laws should have been committed. To decide this point we must distinguish between error and error.

* See the nature of dogmatical facts explained in a letter of a Roman Catholic Clergyman to Francis Plowden, Esq. &c. pag. 194.

Some errors fundamentally vitiate all human laws; so that where any such are evidently known to intervene, a law whether ecclesiastical or civil is essentially null, and whatever penalties are annexed to the non observance of it, *vi legis et coram Deo*, it is not to be regarded as binding the consciences of men. The author of a late letter to Francis Plowden, Esq. on his *Jura anglorum* states two cases, in which human laws are essentially null; first, when they enjoin a thing not just and allowable in itself: secondly, when the end of a law, which must always be the welfare of the community, for which it is enacted is utterly disregarded. Neither ecclesiastical nor temporal governors can command what they please: the objects of their laws must be taken from among those things which are not forbidden by the law of nature or revelation; and the end of their laws must always be the well being of the communities, over which they preside. An error in either of these two points substantially vitiates and annuls whatever injunctions they can make*.

Though

* The doctrine, that every human law in order to be valid must be directed to the welfare of the community, for which it is enacted, has been denied by some; but it is the general, nay, the only opinion of catholic canonists and divines upon this subject. St. Thomas 1. 2. quæst. 90. a. 4. defines a law, "*Ordinatio quædam rationis AD BONUM COMMUNE, ab eo, qui curam habet communitatis, promulgata*:" that is, "a certain ordinance of reason, FOR THE COMMON GOOD, promulgated by him, who has care of the community." And Suarez de Leg. cap. 13. n. 5. "*Præceptum commune, justum, stabile, sufficienter promulgatum*," "a general standing command, just, sufficiently promulgated". As definitions,

Though even their government should be theocratical, as several of the leaders in the old testament were divinely appointed to rule the people of Israel, if providence in its unsearchable decrees should

tions comprise nothing but the essentials of things, which are requisite for their valid existence, according to these definitions "an ordinance or general standing command of a sovereign," evidently not directed to "the common good," or evidently not "just," is evidently no law; and of course not conscientiously binding. What is to be said in doubt of either of these essential qualifications being included in a law, will be explained afterwards.

Bellarmino is still more explicit. "To make a just law (unjust laws are not properly to be called laws, as St. Augustine teaches; lib. 1. de libero arbitrio cap. 5.) four conditions are required. First, in regard to the end, that it be ordained to the common good; for as a king differs from a tyrant according to Aristotle's Ethics, lib. 8. c. 10. in as much as the former seeks the common, the latter his private emolument, so a just is different from a tyrannical law." Lib. 4. de Rom. Pont. cap. 15. *The Roman Catholic Clergyman's Letter*, &c. page 51, gives a further citation of no less than fifteen lines from the same learned author, wherein this subject is explained more fully, and where the cardinal expressly teaches that we may disregard, even papal laws themselves, if they do not "keep the same proportion in the distribution of honours, and imposition of burdens, which subjects bear to the community;" that is, in other words, if they are not directed to the common good. This doctrine therefore is neither new, nor broached by the letter writer without authority.

On the contrary, the maxim, "that laws are conscientiously binding, when it is clear and certainly known, that they have no reference to the general benefit of the society," is calculated not only to create tyrants in every state, but to inspire the greatest hatred and aversion in the hearts of subjects for all their superiors ecclesiastical and civil; and in an age, when every pretext is greedily laid hold of to vilify and overturn the lawful authority of established sovereigns such a maxim must be fraught with unaccountable evils to that community, which should adopt it for its rule.

permit

permit them to err on either of these two heads, their laws would be essentially null. A Moses and Aaron could no more either with a view of procuring peace, or for to conciliate to their subjects the minds of the people of *Settim* have ordered Israel to be initiated to *Beelphegor* *, or commanded them to pay tribute for the service of his idolatrous temple, than a Pope could command the belief of heresy at present, or a temporal sovereign impose taxes for supporting a religion contrary to that of Jesus Christ. In the first case the object, and in the second the direct end of the law, viz. the service of an idolatrous temple, would have been intrinsically evil, *malum in se*, and as no thing forbidden by the law of nature, or the law of revelation can either be commanded, or directly intended by a human legislator, their laws would have been essentially null, if they had pretended to pass any upon such things.

Different would have been the case, if still groaning under Egyptian slavery the prudent leader of Israel should have directed his people to pay tribute to Pharaoh, with a view of rescuing themselves from his vexatious oppression, though the said tribute contrary to their intent should have been perverted by his idolatrous priests to the service of idols. Because the end of the law in such case, viz. the purchase of a rational freedom being just, and conducive to the welfare of the people, and the means used to procure such freedom harmless and inoffensive in themselves, the payment of taxes in those circumstances would have fallen under the just controul and authority of the theocratical governor, if

* Num. xxv. 3.

he had judged it necessary to tax the people on that account.

But it would be a wrong inference, that the like or even lighter burdens could have been imposed upon them by Pharaoh, or any other idolatrous sovereign for the direct service of an idolatrous temple; because the end of the law would then have been iniquitous; and no law either commanding, or having for its direct and immediate end an evil thing can be valid or in any manner conscientiously binding; as I proved before from St. Thomas and other unexceptionable divines.

But as this subject is evidently either compleatly misunderstood or grossly misrepresented by some persons, to elucidate a point, in which the purity and honour of our religion are alike concerned, I shall give a further explication of it*. An essential difference therefore is always to be made between the wicked and evil intentions, which actuate a law-giver, and wicked and evil objects, which are made the immediate and direct end of a law. The latter not the former invalidate all human laws.

When Jeroboam separated the ten tribes of Israel from Juda, an event, which in the providence of God was ordained to chastise the misdemeanors of his mediate predecessor Salomon, little doubt is to be harboured, but that he was actuated by the same vicious motives of pride, ambition, vengeance for insults received from the haughty and over-bearing

* The reader, it is hoped, will excuse an interpolation between the present page and 76, occasioned by a new publication, which came to hand after this letter went to the press.

Robeom,

Roboam, which have actuated all insurgents and opposers of lawfully established governments from that day. But when the government of the new ruler was fixt, whether it is to be called theocratical or popular*, I believe the latter, though the same, or other equally vicious motives should have continued to influence his conduct, which first gave birth to his insurrection, provided his laws were formed upon proper objects, and not directed immediately to an evil end, they would have been valid, and strictly binding the consciences of his subjects, as all just laws necessarily are.

But as the scripture passes an unequivocal censure upon the subsequent conduct of Jeroboam, and particularly upon the new idolatrous establishment, which he presently after formed within his realm, we must consider against what particular objects, motives and things this censure is directed, which will clear up the interesting point, which I say is so little understood.

The plain historical facts are, as follow. Jeroboam perceiving that the temple of God, which before the division had been a common centre of union for all the twelve tribes had fallen to the lot of Roboam, as standing in the kingdom of Juda, began to apprehend, and probably with good reason, that his rival would avail himself of pretexts of

* It came to pass, when all Israel heard, that Jeroboam was come again, that they gathered an assembly and sent and called him, and made him king over all Israel. 1 Kings, xii. 20.

religion to debauch the hearts of his subjects from their allegiance to his person. Whereupon, as the scripture relates, *finding out a device, he made two golden calves, and said to them, go ye up no more to Jerusalem: behold thy Gods, O Israel, who brought thee out of the land of Egypt. And he set the one in Bethel, and the other in Dan And he made temples in the high places, and priests of the lowest of the people, who were not of the sons of Levi. And he appointed a feast, &c.* In which texts are comprised the chief transactions of Jeroboam, which the scripture so severely reproves.

Now in these actions, except a few, nothing is found, that is intrinsically evil in itself, *malum in se*. It is only from the circumstances, in which they were performed, and from the end, to which they were immediately directed, that they became vicious, and thereby were rendered incapable of being objects of an human law. Except the making of *priests of the lowest of the people, who were not of the sons of Levi; appointing a feast, and burning incense* (which Jeroboam also did) no one of his acts considered in itself and without reference to circumstances is either an usurpation of spiritual power, (the use whereof independently of, and more so in direct opposition to a commission from heaven is always *intrinsically evil, malum in se**;) or an act of
a vicious

* That an assumption of spiritual power independently of a commission from heaven, or exercised beyond the limits of such commis-

a vicious and idolatrous cult; or any one of those glaring practices of irreligion and immorality, which a philosophical age condemns. The things themselves were innocent and harmless in their own nature, and what is moreover to be particularly observed by a secondary intention (which in regard to

sion, much more in direct opposition to a command from heaven is always intrinsically evil, *malum in se*, I believe the following scripture examples will sufficiently evince. Though Salomon in the beginning of his reign was pleasing to God, yet undertaking one day to sacrifice to him contrary to rule, in the high places of Gabaon, his action was censured by the holy writer. "Salomon loved the Lord, walking in the precepts of David his Father, ONLY HE SACRIFICED IN THE HIGH PLACES, AND BURNT INCENSE."

1 Kings 3. 111. After Saul was divinely appointed king of Israel, and Samuel was still priest, which shows that the kingly and priestly powers were not always united in a theocratical governor, Saul presuming to "appease the face of the Lord by offering the holocaust and peace offerings" was severely rebuked by Samuel: "What hast thou done?" And though he pleaded the urgency of the case, and that he was even *forced by necessity*, the sentence pronounced against him by the Almighty was irrevocable: "Thou hast done foolishly . . . thy kingdom shall not continue." 1 Samuel 13. Jeroboam's new ecclesiastical supremacy when he separated from Juda, whether it consisted in burning incense, instituting priests, building and endowing temples, or finally in prescribing new forms of worship and prayer to be performed before his calves, is so pointedly and emphatically reprobated by the scripture, that the whole and every part of it, that is, all the prerogatives of the supremacy jointly and severally, we may say, were an abomination to the Lord—And if "what things soever were written" in the Old Testament, "were written for our learning," and "happened to them in figure: and are written for our correction, upon whom the ends of the world are come," as St. Paul told the Romans (c. 15. 4.) and Corinthians (10. 11.) a christian theologian must be little attentive to the known revelations of christianity, who does not make the application of such examples to himself.

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the *lawgiver*, not the *law itself*, might perhaps be called the first) they were directed to a good end.

By planting groves and avenues Jeroboam embellished and enriched his country; by erecting altars and building temples he employed handicraftsmen, and gave bread to the laborious poor of his state; the molten golden calves stood at once a proof of the grandeur and magnificence of the sovereign, and of the fine arts, which were patronized by him, and all these things were directed to protect a crown, to which now he had an undoubted right. But if in the busy moment of his undertaking a queen of Sheba, or any other enlightened foreigner had visited his state, and questioned him on the business he was about, what are the answers which he would have returned?

Whereunto are these grand and magnificent plantations forming on your high grounds? They are to serve as a shelter to the temple of my Gods. What is that beautiful dome, which I see rising at a distance? It is the temple itself, where the Gods I have adopted, reside. Within you will see an altar of a superb structure and of exquisite workmanship, and a golden calf standing thereon, which have already cost my people ten golden talents per tribe, and for the future support and maintenance of the priests and temple they are to contribute yearly each ten talents more*. But if the sagacious foreigner

* The Attic and Hebrew talent were different. Some authors compute the latter at about £.3000, at which rate the subjects of Jeroboam, if taxed according to the supposition here made, would have paid annually for the service of idols £.300,000.

should have rejoined; why do you employ your labour, and squander the substance of your people in erecting temples, and building altars to Gods made by human hands, when you have a more powerful God in Israel, who did *great things* for your forefathers in *Egypt*, *wonderful works* in the *land of Cham*, *terrible things* in the *Red Sea**? Jeroboam would then have disclosed the motives, that actuated his own person, but in the former answers he had explained the immediate and direct end of his laws.

He would have answered as the scripture tells us he thought. "I was fearful, if my people were allowed to go up to offer in the house of the Lord at Jerusalem, that their heart would turn to their Lord Roboam the king of Juda, and that they would kill me and return to him. My only expedient to save a crown, to which I was pre-ordained by heaven, and which I now enjoy by the free election of my people, was to detach them from the worship of the God of Israel, which they heretofore followed. Let Roboam maintain what religious worship he pleases within his own territories: my fixt determination is to establish that in my states, which is best calculated for my own just defence, for the peace and concord of my subjects, and for uniting them in a closer bond of union with their lawful sovereign." And the foreigner, who perhaps would have seen no moral

* Psal. 105. 21, 22.

distinction between the civil establishments of different religions might have applauded his scheme; but we know, that God disapproved of it.

In fact not so much the idolatrous worship as the things which led the people to it, *the groves, the calves, the altars of Jeroboam* are continually censured in scripture: so that the reprobation of *the high places* is turned almost into a scripture proverb, for which no other reason can be assigned, than because in the circumstances, in which those things were adopted by that worldly prince, they were immediately and primarily directed to the introduction of idolatry; and the introduction of idolatry was only made use of as a means to prevent the people from going over to the party of his rival. In other circumstances they would have been no more criminal, than the erection of similar edifices and idols in the pleasure grounds of noblemen in this kingdom is at present; the end, to which they were immediately directed, and which in the given circumstances was inseparable from the things themselves, rendered them vicious; and being thus rendered vicious they were incapable of being made the matter of a human law.

But because it seems to some persons, who value themselves upon knowing the principles of their catechism, that these theological reasonings are only grounded in ignorance and bigotry, and what is still worse, render a man incapable of being a faithful subject, and of observing an oath of allegiance, which he should make to an infidel sovereign; for
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the ecclaircissement of this so delicate and interesting a point I wish to appeal to the opinion of any learned professional gentlemen upon this subject, of whatever church they may be. I propose therefore the following case.

When that man of God, who came forth from *Juda* to *Bethel* on the day that *Jeroboam* was standing upon the altar, and burning incense; and by the word of the Lord went up and reproached not so immediately the king's person, as the altar, saying, *O altar, altar*, and thereby miraculously rent the altar asunder, and poured out the ashes*; in case *Jeroboam*, who was the lawful civil magistrate in the land at that moment had commanded him to build up the altar again, or make good the damages occasioned by the display of his miracle, or *in panam delicti* had fined him tenfold the mischief he had done, would the man of God *vi legis aut precepti* have been conscientiously bound by the commands that should have been issued to him?

If the civil magistrate, as deputy of the Almighty and preserver of the peace of his country, has a right to command what parts of the civil establishment of an erroneous religion he pleases, as saints on account of working miracles are not exempt from the common laws of obedience, this man would certainly have been bound under sin to comply with the orders he should have received. Though a subject of *Juda* he was then within the territory of the king

* 1 Kings 13.

subject,

of Israel, and of course was as much bound to obey, as a Chinese whilst in London is conscientiously obliged to submit to the laws of England; the things which he was ordered to do were harmless and innocent in themselves: a little brick and mortar might soil the hands, but could not tarnish the heart even of a Jew. Conscience moreover would have been kept clear in the compliance with Jeroboam's orders, as the civil establishment of any religion neither can nor pretends to affect the truth of the religion established: besides, the magistrate having experienced, that the majority of his subjects now concurred in the free and conscientious adoption of the religion he had proposed to them, either as being the religion which they judged most acceptable to God, or the best calculated to preserve peace and union among themselves (in no other light could it be made the object of their choice) Jeroboam was bound by the nature of his delegation and trust to give a civil sanction or establishment to such religion of the majority by building them altars and temples; to which all dissenting individuals being concluded in the majority, were bound to concur.

But notwithstanding this and similar specious displays of reason, no catholic theologian, I am bold to assert, before the present day ever attempted to maintain such doctrines, nor did I ever hear them taught in a catholic catechism. They are flatly denied by St. Thomas, Suarez, Bellarmine, and every other divine I ever took in hand; and for my own part I avowedly declare, that I had rather appear
stupid,

stupid, ignorant and bigotted with those great men, than risk corrupting the doctrines of my church by adopting novelties, which the body of our theologians universally condemns*.

But a more extraordinary inference is, that men holding these doctrines cannot *salvâ conscientiâ* and *bonâ fide* take an oath of allegiance to an infidel sovereign; at least not the determinate oath prescribed at present by the legislature of this kingdom to Roman catholics, who of course must have perjured themselves, if being persuaded of the truth of these doctrines they have dared to take such oath.

* The extraordinary oversight or deception of some writers unaccustomed to treat theological subjects, either in citing falsely or applying wrongly the authority of unexceptionable authors in favour of their own opinions never can be sufficiently attended to by those, who seek for theological accuracy. I have seen Suarez, *de Natura Legis in Communi*, lib. 1. c. ix. cited to prove that "human legislatures have an unlimited right to RESTRAIN EVERY THING, in which the divine law, and the natural have left man at his own liberty;" that is, every thing which is not itself evil and wicked. Whereas Suarez in the same chapter N. 13. for the validity of every law requires three kinds of justice, first *legal justice*, which seeks the common good. Secondly *commutative justice*, so that the legislature impose nothing more than what he can impose, viz. for the common good: and THIS JUSTICE IS MOST OF ALL NECESSARY FOR THE VALIDITY OF A LAW. Thirdly *distributive justice*, distributing in equal proportion the burden through the members of the community. Laws trespassing on this last condition, ARE RATHER VIOLENCES, THAN LAWS, as St. Thomas expressly teaches, and therefore oblige not in conscience. Suarez Ibid. n. 16. St. Bernard, La Croix and even the citations of a formal antagonist have been misquoted or misapplied in a similar manner.

Some

Some particular obnoxious doctrines, which are abjured by catholics in their present oath of allegiance, will be examined in a subsequent part of this letter; the present query is, whether a Roman catholic believing the doctrine of St. Thomas, that no law directed immediately to a vicious and evil end is conscientiously binding, and believing every species of religion, except his own to be evil and erroneous can *salvâ conscientiâ* and *bonâ fide* pronounce before God and on the faith of the christian gospels the following promissory oath: "I A. B. do
 " faithfully promise to maintain, support, and defend, to the utmost of my power the succession
 " of the crown, which succession, by an act intit-
 " led, *an act for the further limitation of the crown,*
 " *and better securing the rights and liberties of the*
 " *subject,* is and stands limited to the Princess Sophia, Electress and Dutchess Dowager of Hanover, and the heirs of her body, *being Protestants,*
 " hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these
 " realms?" It has been asserted he cannot; I will venture to say, that it is no theological inaccuracy to assert, that he can.

As much as I recollect at present of the rules of logic to verify a proposition in the plain and obvious sense of the words, nothing further is required than a strict and inviolable connection between the principal subject and predicate: incidental propositions do not fall under the asseveration of the asserting

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man : their truth at farthest is supposed, not affirmed; and if they are false they do not falsify the main proposition.

For example, if I declared by will that I gave to John the son of Peter and Mary, so that the identity of the person could not be mistaken, all my goods, chattels and worldly possessions, which John is a sober industrious man, a good christian, a faithful and kind husband, having been generally reputed such by the majority of the community where he lived; though an alien should prove to demonstration, that the community was mistaken in its judgment, and that all these amiable qualifications were found in himself, not in John, the law certainly could not take my estate from John and assign it to the alien, nor would it think, that it falsified a single letter of my will by confirming John in the possession of it. And though the supposed sobriety, godliness and honesty of John should have been the real causes that moved me to chuse him for my heir, yet that choice being made, the law could not alter it, and any judge sitting on the bench would be obliged to *maintain, support and defend to the utmost of his power* the choice I had made.

Could it be inferred from thence, that the learned judge was equally a dupe of the duplicity, falsehood and hypocrisy of John as I had been? or that his decision of supporting, and maintaining John in possession fell directly or indirectly upon the motives of my choice, or gave the smallest sanction to them? Such inferences would be truly unreasonable.

able. "The poor man," a wise judge speaking of the testator would say, "was deceived in making
 " choice for his heir of an hypocrite, instead of an
 " honest and industrious man; but we must support what he has done. I regret that *the substance*
 " of an ancient and respectable family should be
 " *wasted in living riotously* *; but the misfortune is
 " not to be attributed to the law."

In like manner though I am demonstratively convinced, that every religion not the Roman catholic is vicious and erroneous, and that no law enacted by human power, which tends directly to a vicious and erroneous end can be conscientiously binding, nevertheless I may with a *safe conscience*, and *good faith* take the oath prescribed at present to Roman catholics, because the promissory assertion to *maintain support and defend the succession of the crown in the heirs of the body of the Princess Sophia, being Protestants*, which is the thing sworn to in this place, is fully verified by a sincere and unfeigned intention to accomplish what I promise; which intention all divines allow it is in my power to have; without giving my sanction and approbation to the particular reasons, that influenced our ancestors at the revolution to fix the succession in that line, or considering in any manner the merits and propriety of them. All this is foreign to my oath, which being promissory has for its object a present intention of maintaining in future the protestant succession,

* Luke xv. 13.

whereas an oath approving of the act of settlement would regard a passed object, upon which catholics neither at the time, nor at the present day are called upon to decide.

But lest these remarks should be attributed either to bigotry on one hand, or on the other to that spirit of duplicity and equivocation, which are so wantonly ascribed to Roman catholics by some persons, I beg leave to corroborate what I here say by the authority of a theologian, whose unblemished character and enlightened understanding place him out of the reach of the most malevolent slanders, that can be broached by violent party men.

The learned Abbé Barruel speaking of the oath, which was prescribed by the French assembly on the day that the unfortunate Lewis XVI. was thrown into chains: *I swear to maintain liberty, equality, and to die in defence of them*, and which some of the French clergy thought might, others that it could not be taken *salvâ conscientiâ* and *bonâ fide*, examines the subject exactly upon the same grounds, upon which I consider the present case.

Though liberty and equality, argues that profound divine, properly understood are in themselves valuable privileges of man, yet being taken in the sense of the assembly for a *pretended right to overturn every establishment in government, to treat the lawfulest of kings, as the unworthiest and most criminal of his subjects, to break all ties of society, forgetting to-day the oaths which were made yesterday, and to-morrow overturning what was established to-day, to destroy the* clergy,

clergy, nobility, and all acquired feudal and seigniorial rights, "BY WHAT RIGHT," says he, "CAN
 " YOU SWEAR TO SUPPORT THE PRINCIPLE,
 " AND THE EFFECT OF SO MANY ERRORS
 " AND INJUSTICES?" An evident proof, that in
 the opinion of this divine, when laws, though ap-
 parently harmless and innocent of their own nature,
 like those of liberty and equality, are directed im-
 mediately to evil ends, they are not only incapable of
 imposing a conscientious obligation upon men, but
 may and ought to be disregarded by those, for whom
 they are pretended to be enacted. On the other
 hand his answer to the argument of the jurors, that
 it is lawful to swear obedience to an usurper, whilst
 he is in actual possession of a town or country,
 clearly establishes the distinction, I made before
 between submitting to the powers, that exist, and
 approving the principles, by which those powers
 are established.

" You talk to me," says Abbé Barruel, " of an
 " oath made to an usurper. Truly so: but would
 " you bind yourself by oath to an usurper to
 " maintain the principles themselves of his usurpa-
 " tion, and of all his crimes? Now that is precisely
 " the thing you do in swearing to maintain revolu-
 " tionary liberty and equality. You do not simply
 " obey by an action void of criminality; you swear to
 " maintain a liberty and equality, which are the doc-
 " trinal principles of all the crimes of the revolu-
 " tion." Upon which words of the learned author
 I beg leave to argue, as follows.

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If at any future period this same assembly, which now tramples under foot all rights divine and human, to come to the establishment of its wretched liberty and equality, should assume a regular form of government, and be generally acknowledged as sovereign both at home and abroad, and in order to strengthen itself should propose to the loyal and catholic refugees resident in this country to take an oath for the support and maintenance of their new government, though a long recital of the pretended services but real injustices, which are committing at present in France should be tacked to the said oath, could the loyal and catholic refugees take that oath, or could they not?

I will not pretend to say in the language of some writers that it would be *absurd and ignorant* in any one to deny them that right and liberty, since such expressions never contribute to clear up difficulties in the eyes of men of sense.—But I will say, that it would be a mark of extreme arrogance and self-sufficiency, if in defiance of the opinion of so learned a man, as Abbè Barruel, I should take upon myself to maintain that they could not take such oath, and that in order to save themselves from perjury in swearing allegiance to the new existing powers in France, it would be necessary to *swear* at the same time to *support the principle and all the sad effects of so many errors and injustices*, as are now abetted in that kingdom. Party men, who think that nothing can be done fairly and honestly but through the medium of their own perverse and deluded notions, might

might give such a judgment; but for my part if so unreasonable a decision passed my lips or pen I frankly own, that the imputations of ignorance, bigotry and superstition could not be sufficiently loaded upon my head, and I should deservingly bear the shame and confusion, which a determination so void of sense would draw upon me.

Upon the very same doctrinal principles I declare, and I declare it in the face of my country, either to meet the just reward of my duplicity and equivocation, if guilty of such crimes, or to ward off the unjust imputations of treason and perjury, if not guilty; that in the oath prescribed at present by the legislature to Roman Catholics, and which I have publicly taken in the city of Bristol, where I still reside, I neither do at present, nor ever did believe, that any declaration whatever was exacted by the legislature, or made by the juror approving of any one single principle, rule or maxim of government, upon which the revolution of 1688 was formed, or that in order to verify my present oath, it was requisite to have a conscientious conviction, that what was then done by the parties acting in that great scene, was done justly and uprightly, either before God or man.

On the contrary I believe, that by the tenor of my oath, I am neither *whig* nor *tory*; an abettor of hereditary succession, nor an upholder of popular elections; not even a Williamite or Jacobite as such, since I know no clause, that obliges me to approve or disapprove of the respective conduct of either of
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the chieftains of those two opposite parties, nor in a word any thing else, except a dutiful and submissive subject to the ruling powers of government, which character I trust never to belie.

I have sworn *to maintain, support, and defend to the utmost of my power the succession of the crown*, which succession is fixt in the protestant line, not by the votes and free option of Roman Catholics, to whom the object was never proposed either at or since the revolution; but by the voice of the prevailing party at that time, whose superior power dictated the law to the land. And as Catholics do not believe, that they are authorized to disturb the peace of established governments, even in favour of their own religion, they have bound themselves by oath to support the power that is, first against all foreign invaders, and secondly against all disturbers of the public peace at home.

Knowing moreover that it is impossible for an all-wise Deity to command submission to two distinct sovereigns within the same state, at the same time, and upon the same objects, for the further satisfaction of their protestant countrymen, who are taught to believe, that their asseverations are generally grounded in equivocation and deceit, they add another formal oath in the plain and obvious sense of the words, which in other countries would not be necessary, viz. "that they do not believe, that
 " the Pope of Rome or any other foreign prince,
 " prelate, state or potentate hath or ought to have
 " any temporal or civil jurisdiction, power, supe-
 " riority

“ riority or pre-eminence, directly or indirectly
 “ within this realm.”

Now whatever may be the opinion of other gentlemen of the import of this clause, I maintain that like the foregoing part of the oath it entirely waves all questions concerning speculative principles of government, namely whether a sovereign is to succeed by proximity of blood, and indefeasible hereditary right, by popular election, or in any other manner; and therefore that by virtue of it I am neither a sworn *whig*, *tory*, nor any other determinate character, as I said before speaking of the clause of succession, unless it be a peaceable subject bound by oath not to interrupt the free exercise of the established powers of government for the *temporal and civil pleasure, direct or indirect, either of a Pope of Rome, or any other foreign prince, prelate, &c.* or other men.

That this assertion, upon which much depends may not appear treacherous and deceitful, and grounded in that spirit of equivocation, which I say is so wantonly objected to us, I make the following observations. 1st, In the plain and obvious sense of these words, if words can have a plain and obvious meaning, the proposition of this clause is negative, not affirmative; and of course it does not, and cannot *affirm* or assert any thing concerning king William and the people at the revolution; or any one else; whether they were possessed of a right to form a *whig* government or not: but it simply denies the existence of any power in a Pope of Rome or other persons to interrupt *the civil and temporal* jurif-

diction of the powers established within this realm, by whatever rule those powers were established.

It is according both to the *animus imponentis*, and and the intention of the juror in the obvious meaning of the words, a sworn caution, and literally nothing else than that, against that horrid monster of *imperium in imperio*, an empire within an empire, which since the reign of Henry VIII. has frightened the people of this country out of their senses, and made them stand more in dread of their own countrymen, their natural friends and brethren, if they bore the name of Roman Catholics, than if armies a hundred thousand strong had been drawn out in battle against them. Notwithstanding that, as I shall show afterwards when I treat this subject apart, Roman Catholics have no more wish and intention to throw the diadem of Great Britain at the feet of a Pope of Rome, or any other foreign prince, than if each member of their community was a Turk, Jew, or Mahometan, or what is still more explicit, a sworn member of the established church of this realm.

If a diffidence and mistrust in their fidelity and oaths of allegiance, if a total exclusion from the privileges and rights of the state, if the most unjustifiable persecutions for religion sake have at any time driven men of their communion to wild and desperate attempts to recover their liberty, a cool and dispassionate philosopher will know how to remove such dire effects from this kingdom for ever, by removing the fatal causes of them.

My

My second observation is, that if it had been the intent of the legislature to exact of catholics a sworn acknowledgment of the truth and justice of revolutionary *whig* principles, they would have proceeded in the same manner with them at present, as James I. did with the catholics of his days; when he demanded of them a sworn acknowledgment of the contrary *tory* principles, and of the right of proximity of blood, by which he had ascended the throne.

Many catholics of those days being tired out with the persecutions and oppressions, which weighed so heavy on them during the reign of Elizabeth, had come to a resolution to put the fate of their liberty and religion to the issue of a popular election, as soon as the Queen should depart this life; as appears, beyond even the possibility of a doubt, from the noted work of N. Doleman attributed by many to Sir Francis Englefield, and which was known to Elizabeth, and forbidden by her under pain of treason in the 35th year of her reign; and of course could not be unknown to James*.

To counteract this scheme of the catholics the new monarch required of them, 1st, that " they should
 " truly and sincerely acknowledge, profess, testify
 " and declare in their conscience before God and
 " the world, that their soveraign lord king James
 " was **LAWFUL AND RIGHTFUL KING OF THIS**
 " **REALM, AND OF ALL OTHER HIS MAJESTIE'S**

* See Dodd's Church History, Lives of Regulars, p. 405.

“DOMINIONS AND COUNTRIES,” unquestionably on no other title, than that by which he was made king, viz. hereditary right: and of course this clause of James’ oath was as formal, as positive and as explicit an approbation under oath of the *jure divino* indefeasible hereditary right to the crown, or *tory* principles, as words could express.

Secondly, the king, as fear and apprehension on the part of a reigning sovereign seldom fail to engender tyranny and oppression of his people still further demanded of his catholic subjects not only to forswear any power of the “Pope, of the church, or see of Rome to depose him,” which catholics do at present; but required of them also to abjure the very essence of *whig* principles, and all the right, which in any possible circumstances men may have to league themselves either with a Pope, or any other foreign prince, in order to obtain a redress of grievances, which they cannot obtain at home. The express words of the oath are, that the Pope could *not* do this *either of himself, or by any means WITH ANY OTHER*: so that if the majority or whole nation of England at that day had leagued with the Pope to place a catholic Infanta of Spain upon the throne, which James knew to be the actual scheme in agitation against him; as the majority of the nation afterwards leagued with the Prince of Orange and Pope Innocent XI. to dethrone the second James; the oath of James I. if taken by the catholics would have prevented them from doing it.

Now

Now this being the plain and obvious meaning of the words of that oath, especially when explained by the *animus imponentis*, I am at a loss to conceive how some writers should compare it with the test tendered at present to Roman Catholics; wherein not a single word is mentioned of the established settlement being *lawful and rightful*, or any expression used, which is a positive disavowal of *whig* principles, though as I said before, no clause obliges us to approve of them.

I must therefore be allowed to give the following caution to my readers on this occasion, that if any gentlemen supposed to be possessed of a superior knowledge of the laws of their country shall think it their "province and duty" to expound to their countrymen the conscientious obligations arising out of or attending such laws, it will be necessary to examine the words themselves of a law before an implicit acquiescence is given to the conscientious duties and obligations, which are said to be drawn from it. Theological accuracy otherwise never can be acquired.

In like manner I am fully of opinion, that a much greater latitude has been given to other clauses in the Roman Catholic oath by some persons, than the plain and natural signification of the words allows. That clause, for example, which declares, "that
 " princes excommunicated by the Pope and coun-
 " cil, or any authority of the see of Rome, or by
 " any authority whatsoever may not be deposed or
 " murdered

“ murdered by their subjects, or any person what-
 “ ever,” in the plain and natural signification of the
 words can import no more, than that an excommu-
 nication launched by what authority it may, never
 can be a sufficient reason to depose or murder a so-
 vereign; to the truth of which proposition every
 Roman Catholic, who has taken the oath, has so-
 lemnly sworn.

But it would be a wrong and injurious inference
 to conclude, that a catholic investigating the periods
 of ancient history, and approving of the deposition
 of a German emperor seven hundred years ago for
 the irremediable crimes of tyranny and oppression,
 from which the people could not otherwise rescue
 themselves, was guilty of a breach of his oath to
 King George III, when he swore on the faith of
 the christian gospels that excommunication could
 not justify the deposition of any sovereign. If an
 indictment is laid for perjury, the plaintiff ought to
 know and determine with accuracy what the precise
 fact is, to which the defendant swore.

That clause, “ I do not believe that the Pope of
 “ Rome, &c. hath or ought to have any temporal
 “ or civil jurisdiction, &c. directly or indirectly
 “ within this realm” relates wholly and solely to
 the time and circumstance of the present protestant
 establishment subsisting in this kingdom, and to no
 other nation or period of time. 1st, Because no
 temporal government can exact the abjuration of a
 purely speculative opinion, which has no reference
 to

to itself. And secondly, because the intention of the legislature the *animus imponentis* is merely to obtain a security from catholics at present against their forming *an empire within an empire* in this kingdom, to the prejudice of the sovereign, who is appointed to rule it.

Finally the clause, " I do make **THIS DECLARATION AND EVERY PART THEREOF** in the plain and ordinary sense of the words of this oath, &c.—without thinking that I am, or can be acquitted before God or man, or absolved of **THIS DECLARATION OR ANY PART THEREOF**, although the Pope or any other persons or authority whatsoever shall dispense with or annul the same, or declare that it was null or void," cannot by the tenor of the words, and in any propriety of human language be applied to any other declaration, papal absolution, or dispensation, than what are here expressed.

Perhaps these remarks, which I have made upon the nature and import of the Roman Catholic oath, may be construed by some persons into fresh proofs of catholic duplicity and equivocation; but as the most unbecoming insinuations have been lately published to the prejudice of some gentlemen of that communion, which could proceed from no other cause, than a total ignorance and misconception of the meaning of their oath, it was necessary to point out the precise and determinate obligations of it. This is strictly the duty and business of theology.

Whatever

Whatever then may be my opinion of particular facts of history and practices of ancient times, as a Roman Catholic I am not bound by oath to espouse any side of a question, or reprobate any measure, which are not clearly and distinctly specified to me in the words of my oath proposed by the legislature. And as these are mostly restrained to the concerns of my own country in the manner I have shown, a general deduction drawn from one, or a few particular instances never can form an accurate logical argument, nor can it be assumed as a just ground to lodge the horrid accusations of perjury, treachery and double dealing, which some persons fancy attach to the character of all those who do not think and reason on particular subjects as they do themselves.

All that is not clearly and explicitly affected by my oath remains then as much the subject of cool philosophical investigation as any other matter. And as I intend in a subsequent part of this letter to treat some of those questions, which to these gentlemen seem to be already previously decided in favour of their own sentiments, in virtue of the oath I have taken ; I beg my readers before hand to be on their guard against any erroneous or malicious insinuations which may be thrown out against me, as I promise that not a word, that I utter, shall militate either against the interests of my country, the peace of society, or that prudence and discretion, which ought especially to characterize all theological works.

I must

I must however before I conclude this subject be allowed to enter a formal declaration and protest against a passage, which I have lately read in a voluminous work dedicated to one of the great law luminaries of the age, and which passage is as follows. "Such is the oath, which has been required of and taken by the bulk of his Majesty's Roman Catholic subjects. THAT BODY OF MEN STANDS THEREFORE IN THIS PECULIAR CIRCUMSTANCE, THAT OF ALL HIS MAJESTY'S SUBJECTS THEY ALONE ARE COMMITTED UPON OATH TO BELIEVE AND SUPPORT THOSE PRINCIPLES, WHICH SINCE THE REVOLUTION OF 1688 HAVE BEEN DISTINGUISHED BY THE EMPHATICAL APPELLATION OF REVOLUTION, OR *WHIG* PRINCIPLES."—Again, "THE ENGLISH ROMAN CATHOLICS MAY THEREFORE BE NOW PROPERLY STYLED *SWORN WHIGS* AND *CIS-ALPINES*."

I enter my protestation against the first of these *appellations* for the reasons set forth in the foregoing pages, and which I trust will be deemed just by an enlightened and impartial public. And I am peculiarly interested, from motives of bounden duty, publicly to disavow, and repudiate the latter; because from all the authorities I have consulted, and intelligence I have procured, hitherto I have not been able to attach any other signification to that word, than that it imports a set of men opposed in theological and political principles to those

Ultramontane doctors of the see of Rome, who in all the letters, which they write to the catholics of this country, of which I have seen many, are constantly inculcating the conscientious duties of obedience, deference, and submission to the ruling powers of the land, without examining from what source their authority was derived to them.

And as I suspect, that some of the *Cisalpine* doctrines would not coincide exactly with the religious tenets, which I have laid down for the direction of my own conscience, rather than risk my obedience to my sovereign upon doubtful and uncertain principles, which upon a closer examination I might perchance be obliged to disavow, I prefer being guided by the Italian doctors in the beaten path, which so many honest men have trod before me, to declaring myself a *Cisalpine*, as a salvo to enable me to keep an oath, which I certainly otherwise never had an intention to break. And I trust that neither my king nor country will regard me as a rebel, or perjured man for not assuming a name, to which I have not found any peculiar degree of honour or honesty attached, beyond what other men possess; no more than for not swearing a solemn approbation of the principles of government, by which the power my sovereign holds over me, was conferred upon him*.

But

* Among other theological inaccuracies I must remark the singularity of those writers, who when they would discuss theological subjects, affect to depart from the known language and received opinions

But to return to the general principles of human laws, whatever be the settlement of this or any other country; whether a community is governed by an Asiatic despot, a Roman pontiff, or a descendant of the Princess Sophia, Electress and Dutchess Dowager of Hanover, in spite of misrepresentation, or misconception, I maintain, that no law either commanding an evil thing, *malum in se*, or forbidding any good necessary for the salvation of mankind is or can be binding; that no law having for its direct and immediate end a wicked and evil object, is or can be obligatory; that no law departing from the end, for which governments are instituted whether by God or man, and which is solely the welfare of a community, for which laws are enacted, can ex

nions of theologians. Thus the words *human laws* have been restrained by one of these politico-theological writers to signify only *civil or temporal laws*, whereas all divines give them a greater latitude. Suarez says, "*Lex humana in civilem et canonicam distinguitur: nam licet canonica de se possit esse communis universo orbi, sicut ecclesia catholica universalis est: tamen de facto est propria hujus communitatis, quæ est ecclesia Christi, et non est communis omnibus gentibus, quia non omnes sunt de ecclesiâ. Lib. 3, de Lege positivâ humanâ, &c. § 2.*" The conscientious obligation of obeying *civil laws* has been denied in the same manner, because the conscientious duty of obeying the civil magistrate does not proceed from the magistrate's order, but from the command of God requiring of men to do what a magistrate orders. But as I believe it would make very little difference in the morals of an untoward youth, whether his catechism told him, that he is conscientiously bound to obey his father, or that God requires of him to do what his father orders, I shall wave such subtle speculations in future; being persuaded in my own mind that neither the cause of morality, or philosophy is interested in them.

naturâ suâ et vi legis produce, or in any manner ground a conscientious obligation; though from concomitant circumstances there may sometimes arise a kind of secondary obligation of submitting to it; for example if a lawgiver should by violence *take away my coat*, to prevent scandal I may be obliged to *let go my cloak also unto him*; notwithstanding that his law could not oblige me to give either *coat or cloak**.

Though these principles are as much abhorred by some persons, as is a non-avowal of *whig* maxims, no human government can be formed upon any other foundation, and no just government need stand in dread of them, as the sequel will show; when I come to make the application of them to different things which have happened among ourselves. If the consideration of some particular cases, which I shall here subjoin, may at first sight appear a digression from my subject, the determination of those cases, I trust, will serve to establish the truth I am proving upon a more solid foundation; which is the only excuse I shall offer my readers for inserting the following remarks.

1. If the Pope of the present day in order to indemnify himself for the loss he suffered in this kingdom at the reformation should command the present possessors of church and abbey lands to make restitution of their possessions to the catholic church, notwithstanding that his order should be covered with an appearance of justice and religion, it would

* Matt. v. 40.

be no ways binding. Because though the Pope as general guardian of ecclesiastical goods has a right to forbid the alienation of things justly and lawfully appropriated to the church in the manner before explained; in as much as such alienation without the consent of the church, which is proprietor, is always contrary to the law of God; yet no part of his divine commission goes to arrogate to himself the temporal government or vassalage of kingdoms not belonging to him, or goods once duly alienated by his own authority from the church.

At the reconciliation of this kingdom to the catholic faith anno 2 Mariæ 1554, a formal renunciation of all ecclesiastical possessions was made in the Pope's name by his legate Cardinal Pole in favour of the then holders, in order to prevent disturbances in the kingdom, and forestall disputes among those, who agreed to return to the ancient faith*. And though such a formal cession should not have been made at the time, after a lapse of more than two centuries, when the church property has necessarily passed through so many different hands, it hardly seems possible, that an order of restitution could answer the essential end of church government, viz the salvation of souls: on which account I am of opinion, if such an order were at any time to be given in any part of the christian world, that it would either be judged null by the doctors of the church; or at least that all would agree in one common sentiment, that the church for the benefit and

* See Life of Cardinal Pole, vol. ii. sect. 9. p. 136.

peace of christian society ought to make a free and voluntary renunciation of its rights, which it had not ceded in the first instance.

That catholics would claim the restitution of church property, in case this kingdom should at any time return to the religion of its ancestors is perhaps the most groundless apprehension that can be entertained. No colour of justice could entitle the Pope or catholic bishops to seize upon a property, that has been duly alienated by their own authority from the church: and no legal title could be formed by any individual churchmen within the realm, in their capacity of clergymen, to make any parish church, or the tithes annexed to it their own. If upon an alteration of religious sentiments in the nation the legislature should find it suitable and convenient for the better service and instruction of the people, to assign the present livings to catholic incumbents, the donation of such livings must first be made to the catholic church, before it could become catholic property, and it would only be such in the manner, and upon the conditions, that the donor, that is, the legislature itself should appoint.

Nevertheless the doctrine, "that the estates of the "church" duly and legally appropriated to it are inalienable without the consent of the church, and "may not be taken by the legislature as the property of the nation*," or by other persons, is a just and reasonable doctrine, grounded on the clear authority of scripture and consistent with the peace

* See Monthly Review, July 1794. page 265.

and safety of every state. The reason of my making this observation is, that the learned authors of the Monthly Review for July 1794 in their criticism upon a *Letter of a Roman Catholic Clergyman, &c.* page 265, give it as their opinion, that the doctrine of the inalienability of church property would entail upon the present possessors of church lands an obligation of restitution, in case the kingdom should ever again become catholic; the contrary of which I have sufficiently shown.

Their apprehensions, that the same or similar principles of spiritual authority attributed by the said letter writer to the heads of his church would form a dangerous *imperium in imperio* within the state; are in like manner groundless. A doubt cannot be harboured but that all the learned gentlemen of both our protestant universities would equally and as unequivocally as himself contradict the assertion, that *a temporal sovereign can at pleasure alienate the property of the church without its consent*; for example in the manner, that Henry VIII. in virtue of his ecclesiastical supremacy arrogated the whole property of the catholic church to himself, on pretext of its being applied to superstitious uses. At least the verdict given in favour of the petitioning bishops against the second James authorizes me to believe, that such would be the opinion of our universities, since the bishops not only as *peers* or civil members of society, but as *prelates* were declared by that verdict to have acted right in opposing the small and partial encroachments in this kind, which
were

were laid to the charge of James. A slight attention to these plain truths would have stifled much religious animosity in this kingdom, and rendered many elaborate dissertations upon points, which are not contended for by catholics, useless and unnecessary.

A second case, which I shall examine upon the same principles of human laws is a further declaration made by the Staffordshire gentlemen in their profession of faith beyond the primary proposition, which I undertook to discuss in the beginning: They tell us, that *the jurisdiction of bishops is distinctly defined, that its limits are all known, that is, that its exercise must be circumscribed within the sphere, and be conformable to the rules of established order**: but what this established order is, they do not say. If no more be meant by these expressions, than that bishops are not allowed, and cannot even validly depart in their orders from the essential end of their government, which is the salvation of souls, their propositions are incontestably true, and every man of sense must join issue with them. For the power of bishops, any more than that of other superiors, is not *arbitrary and despotic* in the odious sense of those words, as St. Peter's express advice to them is *not to lord it over the clergy; but to be made a pattern of the flock from the heart†*.

* See Appeal to the Catholics of England, &c. p. 22.

† 1 Pet. v. 3.

But

But if they pretend by these words, that the scriptures distinctly point out to christians every thing, that bishops can in any circumstances enjoin in virtue of their spiritual jurisdiction, which they receive either immediately from the Pope, as some maintain; or immediately from Jesus Christ, as others are of opinion (the Staffordshire gentlemen *believe, that the jurisdiction of bishops is of divine origin*) then their assertions are false and erroneous, and coincide exactly with that principle of the Lutheran doctrine mentioned by me before, that "neither
 "Popes nor bishops can enact any law, which is not
 "expressly in the scriptures*."

Again if they would insinuate, that the wisdom of our forefathers in the general councils of the church has provided for every possible emergency, that can be interesting to the salvation of souls, and, that the same order of bishops, who first formed the canons and made them ecclesiastical laws, cannot at present for reasons dispense in the same, or alter the said laws, and enact new ones in their stead; then the institutions of men (for ecclesiastical laws are unquestionably such and nothing else) annihilate a jurisdiction, which is itself either immediately of divine origin; or else received from him, who according to the defined dogm of the catholic church has power from God to communicate to bishops of his own creation every thing that is requisite to constitute their true and lawful existence. *If any one shall say,*

* *Supra*, page 17.

that bishops, who are taken on by the authority of the Roman Pontiff are not true and lawful bishops, but an human invention, let him be accursed.*

Where accuracy of expression is not attended to, especially in drawing up professions of faith, how many errors may be couched under a single appearance of truth?

A third point, which I shall examine is whether the essential and inalienable liberty, which is due to all catholic churches throughout the world can be sufficiently warranted to the faithful by virtue of the principles, which I here establish, or whether in order to secure the native rights of catholics and christians, it is necessary to have recourse to particular privileges and exemptions, which some parts of the church enjoy above others. Far be it from me to disclaim all idea of ecclesiastical, any more than of civil liberty†. With me it is an inviolable maxim, that neither spiritual, nor temporal governors hold an unlimited and uncontrouled power over their subjects. The laws of nature and revelation operate a general restraint upon the will of all superiors, in regard to those things, that are contrary to the said laws; and the particular statutes and regulations of every community, once lawfully introduced ought always to be respected and regarded by those, who hold a command, as long as they continue

* Trid. Sess. 23. can. 8.

† You, brethren, have been called into liberty: only make not liberty an occasion to the flesh. Gal. v. 13.

to have the sanction of that authority, by which they were first lawfully introduced.

But not contented with these inalienable rights of men and christians, which are common to all, some persons imagine, that they cannot be free unless they are admitted to the enjoyment of all the dispensations and privileges, which in any circumstances have been granted to different portions of the church. The real or pretended Gallican privileges, which have made so great a noise in history, are cried up by many at present as the only standard of christian liberty, and English catholics are taught to believe, that they never shall be free, until the particular practices and customs of the national church of Gaul are adopted by their own church, upon whatever grounds those practices and customs were first established in France. The examination of this point is peculiarly interesting at the present moment to English Roman Catholics.

For besides the scandalous abuse, which is made of the Gallican doctrines to establish open heresy and schism, as the Pope justly complains in his brief of condemnation of the synod of Pistoia, and whereof I gave some examples in examining the foregoing proposition, without running beyond the line of catholic orthodoxy many extravagancies and absurdities are patronized under the name of *Gallican* principles, which never were abetted by the French doctors; and even the nicety of those, which have been sanctioned by them is so little understood by the

greatest part of our theologians, that at least illiterate and well-meaning catholics are always liable to be over-reached by artful and designing men, if they chuse to call forth a Gallican proposition to authorize an absurdity, that they would impose upon them. It is not my intent at present to enter into a dissertation upon all the particular practices and customs of the church of France, nor to detail the history of their disputes with the Popes, nor finally to engage in a theological contest with the abettors of the four famous Gallican propositions; but barely to make some passing remarks upon them, which it is hoped, will prevent the bad effect of many false consequences, which already have and may in future be drawn from them to the prejudice of our church, if a stop be not put to the evil.

These four propositions, which contain the sum of the Gallican privileges, and to which I say the reformers of the age constantly appeal, not being found in any books, which are usually handed about among the Roman catholics of this kingdom; for the satisfaction of those, who may peruse my letter, I shall set down each proposition apart, and subjoin the remarks, which seem suited to each.

In the first proposition therefore the Gallican doctors assembled in the famous convention at Paris March 19, 1682, declare as follows: viz. " that the
 " power over spirituals and things appertaining to
 " eternal salvation, and not of civil and temporal
 " things was given by God to the blessed Peter and
 " his successors the vicars of Christ, and to the
 " church

The church itself, our Lord having said, *my kingdom is*
 "not of this world, and again render therefore to
 "Cæsar the things that are Cæsars and to God the
 "things, that are God's; and of course that the say-
 "ing of the apostle stands good, *let every soul be*
 "subject to higher powers: for there is no power but
 "from God, and those that are, are ordained of God.
 "Therefore he that resisteth the power, resisteth the ordi-
 "nance of God. That kings and princes therefore are not
 "by the ordination of God subjected in temporals to
 "any ecclesiastical power, nor can they by the power
 "of the keys of the church be deposed directly
 "or indirectly, nor their subjects exempted from
 "their fealty, and obedience and oath of allegiance;
 "and that this opinion ought to be retained as ne-
 "cessary for the public tranquillity, and not less
 "useful to the church, than to the empire, and as
 "consonant to the word of God, the tradition of
 "the fathers, and examples of the saints." This
 is the first Gallican proposition.

After the remarks which I made upon the nature
 and distinction of the temporal and spiritual powers
 in the beginning of this letter, and my further ob-
 servations upon the indispensable obligations of the
 Roman catholic oath of allegiance, little more would
 remain to be said upon the subject of this proposi-
 tion, if the importance of the discovery, which is
 supposed to be contained in it, was not constantly
 made use of as a pretext by some men to inveigh in
 the most indecent and unbecoming manner against
 all those, who did not argue and reason in former
 times as we now do, upon the right of people to
 change

change their sovereign when he altered his religion: or rather let me say, did not express their reasoning and arguments upon this delicate subject in the determinate phrases and expressions, which it is fashionable to make use of at present.

For notwithstanding the vehement outcry, which is raised against the bigotry and superstition of our catholic ancestors for allowing Popes to dispose of their temporal governments, upon a cool and close examination of this subject it will be found, that there was not so much a substantial difference of opinion between ourselves and our forefathers concerning the right of the people under certain circumstances to depose their sovereign, as a difference in applying the same or similar principles to different times and circumstances; which has occasioned the controversy between us. But as the nicety of most disputes is often better determined by a plain narration of facts, than by the acutest reasoning, I beg leave to subjoin in this place an historical account of the different opinions of schoolmen concerning the right and exercise of the deposing power, as they prevailed in different ages of the church; which I trust will throw some light upon the subject, and perhaps contribute to allay the heat and animosity, with which some gentlemen are fired, whenever they touch upon this delicate topic.

Before the religious reformations of the sixteenth century got footing in Europe, and only one species of christianity was known among men, the catholics of those days thought the free exercise and enjoyment

joyment of their religion so valuable a possession, that they would not suffer it to be wrested out of their hands by any temporal legislature whatever. Hence an opinion generally prevailed among them, that if a sovereign endeavoured to pervert his subjects from a belief and practice of the ancient religion, and neither remonstrances at the throne, nor references to the common father of christianity could prevent him from pursuing his unjust designs, upon the Pope's declaring such a sovereign incorrigible, the people had a right to vindicate their own cause, and seek redress by deposing the sovereign himself, where no other means would avail. This is the famous system of the deposing power, which has raised such contests in this and other countries, and is so pointedly reprobated by the Gallican doctors; but the principle of it never seems to have been duly considered by them.

In the language of the schools the power itself was attributed to the Pope, because his verdict, as that of a common father and umpire was always taken upon so momentous a matter, before the deposition of a sovereign was attempted; but the power itself and the execution of it certainly resided in the people, and was only exercised through and by them. Whatever stir has been made about Hildebranden principles, and Hildebranden despotism, I maintain, that it was no more in the power of a Gregory VII. (and the like may be said of other Popes) to have deposed a Henry IV. of Germany, and installed Rodolphus in his stead, if the
people

people had not approved of and given support to that measure, than it is for an apostolical vicar of the present day to dress up a puppet of his own creation, and proclaim him king over the people of England without their consent.

History informs us, that it was only after repeated instances of oppression and injustice brought before the Pope by the princes and people of Germany against Henry, that his deposition was finally decreed, and the electors of the empire, who had been instituted before Gregory VII's time, directed to provide the state with another sovereign. And however strongly this system of government is reprobated by philosophers of the present age, as a base effect of bigotry and superstition, yet I boldly assert, that it was not within the series of human contingencies, that nations and empires should have acquiesced to have their sovereigns taken from them at the voice of a Pope, and others elected in their stead, if such had not been the prevailing will of the people.

And though the system was frequently opposed by interested individuals, yet certain it is, that it did not begin to be generally decried till towards the close of the last century, when the Gallican clergy in the convention of 1682 first passed a formal condemnation of it in the words of the forementioned proposition. Nevertheless the doctrine had often been reduced to practice by the French nation, as appears in the deposition of Count Raymond of Toulouse in the council of Lateran, and in the more recent

recent instance of the majority of the nation openly soliciting for the deposition of Henry IV. on no other account, than because at that time he professed the protestant religion. The claim of the people against Henry was supported on that occasion by different sovereign princes.

From all which instances it appears undeniable, that as the protestant religion is an essential condition for holding the crown of England at present, so the catholic was regarded in former times throughout the different nations of Europe. And though perhaps a written law may not be shown on all occasions for such an agreement, yet certain it is, that traditionary customs often formed the fundamental constitution of countries before any written laws existed, and being more deeply rivetted in the minds of the people, than the statutes of books continued their effect and influence long after written laws were made. For the transit from a written law to a written abrogation of the same is evidently more easy, than from a long and rivetted practice and habit to a new formed written constitution, which is always regarded as an encroachment upon the rights and customs of former times, and an unjust oppression of those, who adhere to the maxims of their ancestors. This alone, were there no other reasons, would sufficiently account for the continuation of the deposing doctrine, even after other constitutions were framed.

However it was only upon the creation of different new religions at the reformation that the bad

effects of the ancient system began first to appear. For whilst men generally acquiesced in one faith, private and particular dissensions, which occasionally happened, were soon composed and settled by means of the prevailing system; and innovation, that fatal source of all quarrels and religious feuds was effectually cut off.

But when in spite of the preventative the evil of reformation got footing in different nations of Europe, and every new framer of religion challenged for his own, as much deference, as had been formerly shewn to the persuasion of ages, then the attempt of settling religious contests before the common father of christianity, whose authority the innovators denied, became fruitless; and it was moreover found hurtful, in lieu of being beneficial as heretofore, to cry out against the injustice and oppression of innovating sovereigns; as their deposition, if it could be effected, would only serve to inflame the spirit of revenge and retaliation in the vanquished parties, and swell the torrent of human blood, which from the beginning of those religious disputes had deluged all Europe. These considerations weighing upon the minds of catholic theologians contributed chiefly to bring the ancient system into disrepute, and a change of opinion upon this subject gradually prevailed in our schools.

As the French were the first, who made a public declaration against the ancient doctrine, they challenge to themselves the honour of having introduced this important improvement into the system

of

of theology. But not contented with establishing among themselves an opinion, which was certainly better calculated for the peace of christendom in their days than the ancient practice could be, with a haughtiness and disdain, which seldom fail to attend the importance of a new discovery, they never cease to inveigh in the bitterest manner against all those, who did not think or speak in former times, as they do at present.

But as heat and animosity are no demonstration of reason, so it may be easily shown, that the merit of the discovery, if it is such, is not owing to themselves. The author of *a letter to Francis Plowden, Esq. on his Jura Anglorum*, whatever abuse has been cast on the writings of that gentleman, clearly proves from page 156, that the strongest abettors of the ancient doctrine, even a Bellarmine himself did not allow their system to be carried into execution, where greater evils and scandals would ensue from it, than good could be expected; which is the chief ground of the French opinion, as appears from the words of their own proposition: "this opinion ought to be retained, as necessary for the public tranquillity."

In fact I know no writer, who pretended to enforce the deposing doctrine in opposition to the known pleasure of the people; though our ancestors did not, like modern reformers, make the will of the people the sole rule of choosing a religion true or false, christian or infidel, as they please. Between these two opposites there is a middle path, which

men who pretend to superior soundness of judgment in investigating truth, and pronouncing upon the opinions of others ought not to mistake; viz. that the strength of a nation, which necessarily goes with the majority, may always be lawfully employed in supporting the religion of Jesus Christ, which alone is known to be true; even by proceeding to the deposition of that despotic sovereign, who should obstinately endeavour to pervert *the minds of his innocent subjects from the profession of the truth*. On this principle, and this alone was grounded the deposing doctrine, as the clear and unequivocal expressions of Bellarmine himself evince *.

Sir

* "It is not lawful for christians," says Bellarmine, lib. 5, de Rom. Pont. c. 7, pag. 1084, "to tolerate an infidel, or heretical sovereign, if such sovereign endeavours to draw his subjects to his own heresy, or infidelity. . . . But if christians did not formerly depose a Nero and Dioclesian, a Julian the Apostate, and the Arian Valens, and such others, it is because they had not the temporal power:" which always necessarily must be the case, whenever the decided majority of a nation declares in favour of a false religion. In such cases, independently of the obligation of any particular oaths, an attempt by the minority to dethrone a sovereign, who has the general voice and support of the people, would always be attended with scandal, and unaccountable evils; in which circumstances Bellarmine, as I said, did not allow the deposing principles to be carried into execution. But it is a wrong inference, and which must sound particularly odd in the mouth of *whig levellers*, that the majority of a christian nation having power in their hands may not remove an infidel sovereign from his throne, if he endeavours to pervert his subjects from their religion; which is all that Bellarmine contends for in the words I have just cited. If such and no other are the principles of the noted deposing doctrine,

truly

Sir Francis Englefield, or whoever was the author of the famous conference about the succession of the crown published under the name of N. Doleman, of which I spoke before, grounded his whole pretension for appointing a catholic successor to Elizabeth, whenever she should depart this life, on the principle of *the radical power of government being lodged in the people**; and on the supposition of the majority of the English nation being still inclined to the catholic religion, which would induce them to fix their choice on a sovereign, who would support the rights of their religion. And though the event shewed, that he and his friends were mistaken in the application of their principles, a more satisfactory proof cannot be required, that it was not the opinion or practice even of the most zealous Roman catholics to proceed to the deposition of sovereigns, if the people were averse to it.

Even in the life time of Elizabeth, while the irresistible power of the queen and her ministers compelled all, protestants as well as catholics, to acquiesce in a peaceable submission to her government, though a scheme of rousing the people on a future day to a vindication of their supposed native rights was not abandoned, as appears from the forementioned facts,

truly idle and impertinent must be those violent invectives, and volumes of abuse, which under pretext of French improvements are daily set forth against those, who do not forswear the only maxim, by which an English revolution can be plausibly justified in the eyes of its warmest admirers.

* See Dodd's Church History, tom. 2. pag. 405.

yet the madness of the Pope did not go to order Roman Catholics to become refractory and disobedient subjects for the time being of Elizabeth's reign, as appears from a remarkable instance related by Mr. Hume in his life of that queen. "Many Romanists," says this historian, "were apprehensive that by a clause in the bull of Pius, they were obliged in conscience, even though no favourable opportunity offered, to rebel against the queen, and that no dangers or difficulties could free them from this indispensable duty. But Parsons and Campian, two Jesuits were sent over with a mitigation and explication of the doctrine; and to provide a remedy for scruples of so singular a kind*."

Mr. Hume turns the fact to ridicule, as he does almost every thing relating to catholics; but I think it furnishes the impartial observer with no slight proof, that even in the days, when the deposing doctrine was most prevalent among the zealous catholics of England, the meaning of the Roman Pontiffs was not to drive nations into perpetual feuds and dissensions, but only to enforce, where it could be done without greater evils and scandal, the right which catholics had to be protected in the profession of their religion, as being revealed to them by Jesus Christ.

If the reformers under Henry VIII., Elizabeth, and the Prince of Orange in the last century, judged

* Hume's History, vol. v. c. 41. p. 238.

the protestant religion to be more conformable to the primitive revelations of christianity, which is the only plausible pretext that can be alledged for their violent oppression and extirpation of catholics, an application of the same principle to a different religion, whilst such religion was universally deemed genuine and orthodox, cannot render the principle itself vicious and unjust, nor the men, who practised it, deserving objects of the obloquy and abuse which are continually thrown upon them. Let writers, who are ambitious of gaining the just praises and commendation of the public, learn to appretiate the true merit of opinions before they decide upon them, and forbear wrangling with their fellow creatures for asserting a natural right in support of the truth, whilst they fancy that the majority of any nation may run greater lengths, even when they acknowledge such majority to be in the wrong*.

In regard to the Gallican proposition itself the only advantage, which appears to me to accrue from it is, that an attempt was made, though in my mind a very weak and imperfect one, to distinguish the ecclesiastical and civil powers, which both for the benefit of church and state I always wish to see discriminated, as much as possible. Before the Gallican

* Whatever may be said by protestants in justification of the famous revolution of 1688, the folly and inconsistency of those catholics, who express a formal approbation of the members of their own church being excluded from the government of this kingdom at present, and are still continually blaming their catholic ancestors for endeavouring to place the reins of government in the hands of a catholic sovereign, is certainly matter of no small surprize.

doctors published their pompous declaration, every theologian, who knew any thing, I presume knew, " that the power over spirituals, and things appertaining to eternal salvation, and not of civil and temporal things, was given by God to the blessed Peter and his successors the vicars of Christ, and to the church itself *:" and after the publication of the proposition it seems to me to remain equally doubtful and ambiguous, as it did before, what is a direct, what an indirect interference of the church with the temporalities of sovereigns, and what may be called a purely *spiritual* command: at least if we attend to nothing further, than the bare words of the proposition.

For my part though I was never dignified with the title of Doctor either in a French or any other university, I will venture to advance a proposition, which I think may throw some light upon the subject. Agreeably then to the principles established at the beginning of this letter, whenever a *spiritual* and *conscientious obligation* truly such, concerning the use and management of temporal things in public or private life is derived either immediately from the command of God, or from the bargains and agreements, which men make with one another, that *spiritual and conscientious obligation*, whatever be said of the temporals, falls directly and immediately under the power and controul of the church of God, and may be commanded by the *spiritual* authority, and enforced by all the *spiritual* weapons,

* See first Gallic proposition.

and coercive means, which Christ has entrusted to his ministers upon earth to compel christians to do their duty. This principle, I think, will clear up many points, that are controverted among us.

1. If it is a truth, which after what I have said, I presume can hardly be denied, that during ages of the church, all christian people agreed to have their governments settled by the arbitration of the Pope, whenever disputes arose concerning the rights and interests of religion, there must have subsisted in those days a compact between the governor and governed to abide by the terms, which the arbitrator should fix, and the obligation of sticking to those terms was strictly *spiritual* and *conscientious*. The condition on the part of the governed was to forbear from revolting whilst redress was seeking at the feet of the Pope, and on the part of the governor to cede his crown to the wish of his people, if he could not be withdrawn from his errors, or at least prevented from perverting the hearts of his subjects from the true faith. And though it is not supposed, that any sovereign in the height of his wandering and excesses would agree to have a sentence of deprivation pronounced against him by a Pope, on which account many protested against the actual execution of it; yet it being known throughout all nations, that such was the agreement and practice of Christendom, a sovereign, who had accepted a crown on those terms was obliged to submit to the consequences, when by forfeiting his word he drew

the unwelcome sentence of condemnation upon himself.

But to place the case in a stronger and I think more natural light, I will suppose that in lieu of a Pope any other prince, the emperor or a neighbouring sovereign had been chosen by each catholic nation to guarantee the conditions stipulated between themselves and their king, on such guarantee's declaring the right to the crown to be forfeited by a prevaricating prince, that prince would have been bound by all laws divine and human to vacate a throne, which he had no longer a right to possess according to the stipulated agreement. And in case of refusal the people and guarantee might lawfully and conscientiously have employed whatever external force they could collect together to compel him to submit against his will.

The Pope in his pontifical character could at no time have afforded such people temporal or military assistance in support of their just right, because in quality of Pope no temporal power attaches to his dignity; but he might at all times have displayed the spiritual weapons, which Jesus Christ placed in his hands to compel a refractory son of the church to return to his duty; he might have awed the sovereign with excommunication, and his adherents with interdict; he might have declared the people absolved from their allegiance to a man, who first broke his agreement with the people; he might have exhorted foreign princes and the people themselves to league in support of a just cause; as

it is not merely a permission, but a positive obligation, according to the tenour of our commandments, incumbent upon all christians to *defend their innocent neighbours life**, goods, property, rights, and liberties when they are able to do it. And in all this a Pope would not have arrogated a single atom of temporal power, even indirectly, over the goods and domains of princes; but only have acquitted himself of a good office towards the christian commonwealth, which in many circumstances it might have been a conscientious duty in him to discharge.

As Pope I do not think, that he had a right to sit as umpire over the differences of nations, whatever other theologians may have maintained; according to those words of our Saviour: *Man, who hath appointed me judge or divider over you†?* Such privilege therefore could only be granted him by the people; but if no Popes had proceeded further than barely enforcing by their spiritual power an exact compliance with the conscientious agreements, which christian nations and sovereigns had made with one another, I am not of opinion, that they would have exceeded the limits of their spiritual commission given them by Jesus Christ, or been deserving of the censure and raillery, which are poured out in torrents against them. My present business however is not to justify the character of Popes; but merely to point out, as far as appears to me most

* See Douay Catechism V. Commandment, &c.

† Luke xii. 14.

consistent with theological accuracy what they are entitled in virtue of their spiritual headship to command and enforce upon the subjects of the church.

2. Upon the same principle I maintain, that if goods, property, immunities, privileges, or liberties of any kind are duly and legally granted the church by a christian state, or by individuals under the sanction of a state, a Pope has a right, and even a conscientious obligation, as far as depends on him, to protect with his spiritual authority such goods, property, immunities, privileges, and liberties, and that he does not run beyond the bounds of his spiritual jurisdiction in forbidding the alienation and reasumption of those goods and rights at the arbitrary pleasure of any temporal legislature whatever. How far the *dominium alium* of a temporal sovereign entitles him to burden the goods of the church, provided his taxes are laid on according to the three essential conditions of *legal, commutative, and distributive justice**, which Suárez requires for the validity of all human laws, is a matter which enters not into the present debate. I touched upon this article in speaking of the nature of ecclesiastical donations at the beginning of this letter in a note page 12, to which I beg leave to refer my readers at present.

What I now contend for is, that as a legislator cannot break the engagement, by which he appropriates certain rights and privileges, goods and property to the church, without failing in his word to

* See Suárez *suprà*:

the public, for whose service alone he could first make those appropriations, nor without defrauding individuals, who under the guarantee of his promise chuse to give certain portions of their substance to the service of the church; so any such legislator as should arbitrarily alienate, or assume to himself the whole or part of those things, would necessarily trespass both against honour and fidelity, which are the foundation of every lawful government, and against strict justice in depriving some of his subjects of rights, duly conferred upon them under the sanction of just laws. This necessarily throws the usurper under the spiritual correction and chastisement of the church, whenever it is believed that such correction can avail.

A small attention to these plain and incontrovertible truths would have spared much contest and wrangling among writers of the present age, and the catholic church would not have been censured for passing erroneous decrees in its general councils before any proof can be brought of its having strayed in those decrees beyond the line of its spiritual jurisdiction. But as St. Jude says, "some men blaspheme
" whatever things they know not: and what things
" soever they naturally know, . . in these they are
" corrupted*." If the Staffordshire gentlemen meant, that the power of the Pope to protect by his spiritual arms the goods and immunities of the church, is one part of his prerogative, which is derived to him from *ecclesiastical institution*, they are mistaken: the

* Jude 10.

goods and immunities of the church are conferred by the state, not by the church; and when donations are duly and lawfully made by the state, the right of the Pope to compel the donor to abide by his contract according to the tenour of the natural and divine law attaches to him in quality of *immediate vicar of Jesus Christ*, and as being appointed by Christ to superintend all the spiritual concerns of the subjects of the church. I do not take upon me to say, that such is the meaning of the Staffordshire gentlemen since they have not made a positive declaration of it, and I never wish to extend the odious matter of accusation; but agreeably to my plan of preventing bad consequences being drawn from the Gallican propositions, I enter my caveat against such inference being made from the present proposition, which treats of the ecclesiastical and civil powers, if any person should imagine, that such consequence follows from it.

The second Gallican proposition is conceived in the following words. "That the full power over
 " spirituals is so inherent in the apostolical see,
 " and in the successors the vicars of Christ, that
 " at the same time the decrees of the holy œcumenical council of Constance concerning the authority of general councils, which are contained
 " in the fourth and fifth session, and are approved
 " or by the holy see, and confirmed by the practice
 " itself of the Roman Pontiffs and of the whole
 " church, and have ever been religiously observed
 " by the Gallican church, ought to remain valid and
 " firm;

“ firm ; and that the Gallican church does not ap-
 “ prove of those, who weaken the force of those de-
 “ crees, as if they were of doubtful authority, and
 “ not duly approved, or who wrongfully apply the
 “ words of the council only to the time of a schism.”

As it is presumed, that the reverend Joseph Ber-
 rington and his Staffordshire brethren laid a parti-
 cular stress upon the doctrines of this proposition,
 when they published the article of their faith, that
the Bishop of Rome is supreme head of the church IN
DISCIPLINE by ecclesiastical institution, it becomes
 necessary to examine with great accuracy the nature
 and grounds of this Gallican declaration, and to
 know in what sense it can be admitted as orthodox,
 and under what interpretations it runs counter to
 the defined articles of the catholic faith. This
 brings forward an important question in theology,
 which I shall state as accurately and impartially as
 I can.

Although it is a decided point of catholic faith
 that the Pope is appointed by Jesus Christ spiritual
 head of every individual christian, and of every
 individual christian church, yet some divines, as
 Gerson and others have been of opinion, that, when
 the whole body of the faithful is convened in a ge-
 neral council by their representatives the bishops,
 there resides in the collective body so gathered a
 superior power to that of the Pope himself, which
 can define articles of faith, make laws and dispense
 the powers of the church independently of his plea-
 sure, and even judge, punish and depose his person,
 if

if found necessary for the good of the church. To many this opinion seems indeed to involve a kind of paradox, but it is not heretical and never has been condemned as such by the church. Hence not only in time of a schism, or upon the demise of a Pope during the actual sitting of a council, but for all times it may be asserted without breach of catholic faith, that such powers are inherent in a general council actually sitting; and as the opinion seems to throw a check upon the supreme authority, which all catholics acknowledge in the Pope, it was eagerly embraced by the Gallicans in their dispute with the holy see, and appears to be the foundation, upon which the Staffordshire gentlemen would raise the edifice of their extraordinary profession of faith, which they have published to the world. But it must be remembered, that from refined orthodoxy to flagrant error the passage is oftentimes almost imperceptible.

To know then what consequences may be justly drawn from this doctrine, we must first consider the grounds, upon which it is defended by the Gallicans, that Englishmen may form their own opinion upon the merits and demerits of the proposition itself: and secondly the precise line, beyond which the principle of the proposition cannot be extended consistently with catholic faith.

In regard to the first point, notwithstanding the great stress, which the Gallican doctors lay upon the decrees of the fourth and fifth session of the council of Constance, as *acts of an holy æcumenical council,*
confirmed

confirmed by the practice of the Roman pontiffs, and of the whole church, (and what is placed last in the climax of approving authorities) BY THE PERPETUAL RELIGIOUS OBSERVANCE OF THE GALILICAN CHURCH, it is an undeniable truth, that the decrees of these two sessions are not and never were regarded as decrees of faith by any other part of the Roman Catholic Church. Their authenticity is denied by almost every bishop and theologian in communion with the see of Rome out of France, and may be denied by ALL without breach of catholic unity, which evidently could not be the case, if they were regarded by the church as acts and decrees of an œcumenical council.

The historical account of the passing of these decrees is as follows. At the time of the council of Constance no less than three contending prelates appeared at once, as pretenders to the papal dignity, Gregory XII, Benedict XIII, and John XXIII, and in the fourth session, where the famous decree passed, only one third of the bishops of the church, viz. the adherents of John were present to give their approbation to it; the followers of Gregory and Benedict having retired from the council in disapprobation of what was doing. John himself also, who first summoned the council had quitted it; so that there was neither the person, nor authority of any certain Pope to give a sanction to the assembly, without which no catholic is bound to believe, that an œcumenical synod of bishops can be held, or that a decree of faith can be passed by the bishops of the church.

P

Never-

Nevertheless a decree was drawn up and approved of in the fourth session by the party of John, who remained in the council to the following purport; viz. "that a general council has an immediate authority from Christ, which every one is bound to obey, ~~THOUGH HE BE OF THE PAPAL DIG-~~ NITY;" and in the subsequent sessions the fathers proceeded to settle the popedom, which as I before observed was contended for at that time by three different competitors. John and Gregory voluntarily abdicated, as appears from the twelfth and fourteenth sessions, and Benedict dying without renouncing his pretensions was succeeded by a Clement VIII, who afterwards yielded to Martin V. Martin being acknowledged Pope by all parties put an end to the council, and gave a bull of approbation of all the decrees of faith, which had been passed in it, *concilialiter*, that is, after due debate and in the regular form of a council, which, it was well understood, the decrees of the fourth session had not been. Such is the historical account of this noted transaction, upon which the Gallicans ground their extraordinary proposition.

Now as certain as it is that the fathers of the council of Constance by their own authority without referring or appealing to any future pope took upon themselves to adjust the contest, which was then subsisting in the church concerning the papal election; so certain is it that hitherto no legal proof has been produced of the above decree having passed into a canon of faith in the sense of the French doctors,

doctors, or of its being regarded as such by any part of the church, not even by the council of Constance itself. For if it is asserted, that the fathers proceeded upon the tenor of this canon to settle the papal government, all that can be inferred is, that they judged themselves possessed of such authority in time of a schism, not that they had the most distant idea of arrogating to themselves in their aggregate capacity during the actual sitting of a council any power from Jesus Christ superior to that of a certain pope, by which they could judge his person, make laws, and define articles of faith independently of him. All such inferences are perfectly arbitrary and unjust.

But even it does not appear from the council, that any dogmatical decision was made by the fathers concerning the superiority of a general council over doubtful and uncertain popes; as such decision was not requisite for them to proceed in the manner they did. Whether the adherents of John had passed that decree in the fourth session or not, it was then and still is a common opinion of theologians, that, when the ordinary electors of a pope do not agree in determining the person, to whom all christians are bound to submit, as to the immediate vicar of Jesus Christ, the right of nominating a spiritual head of the church may and ought to be claimed by those, who according to all are at least next in dignity to the Pope, namely the bishops of the church; it being their duty as well as interest to put a speedy and immediate conclusion to disputes

of so momentous a nature, in which the general interest of christianity is involved.

This opinion of theologians then was alone sufficient to ground and sanction the conduct of the fathers at Constance: so that the authenticity of the decree of the fourth session rests entirely upon its own merits; and as it was passed only by one third of the bishops of the church without the presence of a pope, or his delegate to preside over the council, the other bishops having retired out of dislike to the measure; it can in no manner be regarded as a canonical or dogmatical definition of the truth contained in it, to which catholics are bound to submit, as to a defined article of faith. It appears therefore not a little extraordinary, that the Gallican doctors, who are so subtle in straining the most formal and acknowledged definitions of the church concerning the divine supremacy of the Pope over every part and member of the church, to meanings, which probably never were, nor could be meant; should in a public national act affix the name and authority of an œcumenical council to an assembly of bishops, which never was regarded as such by catholics living out of the dominions of France.

But if for argument sake we suppose the decree of the council of Constance taken in the full latitude of the French explication, to be as formal and regular a definition of faith, as any that passed at Nice or Chalcedon, there are two particular things to be observed, which at once invalidate all the consequences, which the Rev. Joseph Berington, and the
Stafford-

Staffordshire gentlemen would draw from it. The first is, that whether the extraordinary powers ascribed by the Gallicans to a general council make part of its real prerogative or not, they are only inherent in bishops in their collective capacity during the actual sitting of a council and at no other time. Whence the voices of the dispersed bishops from their particular churches throughout Christendom, whatever respect may be due to them on account of their character or superior abilities do not cement and generate this extraordinary power, paramount to that of Pope, but out of council each church and its respective bishop remain subject to the supreme authority of the Roman Pontiff; as the Gallicans themselves acknowledge in regard to the most important act of ecclesiastical jurisdiction; namely the determination of articles of faith. "Moreover," say they, "in deciding questions of faith the chief part is that of the Pope, and HIS DECREES BE-
" LONG TO ALL AND EACH INDIVIDUAL
" CHURCH."

The second thing to be noticed is, that if it was the intent of Jesus Christ, that the authority of the Pope should be suspended during the short moment of the actual sitting of a council, and his person for that time be subjected to the jurisdiction of the bishops, which is very uncertain; the full and entire power of governing the universal church of Christ in all things relating to salvation reverts to the Roman Pontiff the moment a council is finished, not by popular election, or by deputation of the council,

eil, but by divine appointment, and through the immediate institution of Jesus Christ; as all catholics are bound to believe. To determine this point, which must at once settle the Staffordshire dispute, I shall subjoin the following authorities, from which I presume none of those gentlemen will chuse to appeal.

The general council of Lyons calls the Pope *the ruler OF THE UNIVERSAL CHURCH*. The council of Florence defines him *to be head of the WHOLE church, and to have received from the Lord the fullest power to govern the UNIVERSAL church*. The council of Constance itself condemned, *concilialiter*, the proposition of Wicleff declaring, that *the Roman church is the synagogue of Satan, nor is the Pope the highest AND IMMEDIATE VICAR OF CHRIST, and of the Apostles*, as likewise another proposition of John Huls denying the Pope *to be head of the holy catholic church*. The declaration of Luther, that *the Roman Pontiff the successor of Peter is not the vicar of Christ over all churches of the whole world instituted by Christ himself in the blessed Peter* was condemned by Leo X. and his condemnation received the sanction of all the bishops of the catholic church. I might add the authority of the council of Chalcedon the most numerous, that was ever held in Christendom consisting of 630 bishops, who in an official letter written in the name of the council to Leo I. acknowledge him not only head of the church, but head of the council itself: *over whom, say they, as members you presided as head**.

* See these Councils, &c.

This

This in fine is the general voice of the fathers and doctors of the church, and such explicit declarations stand not in need of comments to make known the revealed truth to simple and upright believers; though the most exquisite refinement and forced interpretations are necessary to give to such words the meaning, which some catholics pretend to put upon them.

In fact a man, who is *the immediate vicar of Christ and the Apostles, instituted by Christ himself in the blessed Peter over all churches of the world, and with the fullest power to govern the universal church*, cannot receive any any part of his essential prerogative or jurisdiction from those, whom he governs, but from him alone, who appoints him to be governor over them. As Christ is not the church, nor the church Christ, so a commission to govern the church in *discipline issuing immediately from Jesus Christ* is not the creature of *ecclesiastical institution*; but is derived immediately from Jesus Christ and can not be susceptible of any alteration, or diminution which men may think proper to introduce.

When the Rev. Joseph Berington therefore and others talk of bishops being the representatives of the faithful people of Christ, and of the body of the church being immoveably possessed of a supreme jurisdiction, which is exercised by the hands of the Pope, as *principal executive magistrate*, they ought to know how far they can pursue these ideas within the line of catholic orthodoxy, before they pretend to dispense [their systems to the world. Others as well

well as themselves believe, that the power of the Pope is not *despotic* in the odious sense of that word, that is, arbitrary and tyrannical; but they know and believe it to be *absolute*, that is, conferred by Jesus Christ and not by the people; and that it is contrary to catholic faith to assert, that the faithful are *independent on him*; or that any part of his *prerogative*, of the papal jurisdiction is formed by the *community's surrendering into his hands for the sake of unity and good order a limited superintendence over their privileged persons*. Such assertions are strictly heretical, to which no catholic can assent. Different is the opinion of Gerson and of the Gallican divines, as I before observed.

It seems indeed a kind of paradox, that every member of the catholic church, and even bishops actually sitting in council (since articles of faith neither change with times, places, or circumstances) should be bound to believe as a truth revealed by God, that the Pope is *instituted by Christ himself ruler of the universal church, and his vicar over all churches of the whole world*; and that there should be another church, or another part of a church comprised in a general council actually sitting, which is not subject to the authority of the Pope; but which has a supreme authority over him. Gerson or his adherents must unravel this mystery in the manner they think most plausible; and if their solution shall appear satisfactory to the Staffordshire gentlemen I shall not oppose their declaring themselves Gallicans in the catholic sense of the word; but if they would
infer

infer from the Gallican proposition that any part of the papal prerogative, even that which superintends *discipline*, originates in *ecclesiastical institution*, I must openly declare my dissent from them, as then they no longer adhere to the same catholic doctrine, which both the Gallicans and myself follow. How far particular customs, privileges, or grants of the holy see can influence or alter the tenour of ecclesiastical discipline in different parts of the church will be examined under the following proposition.

The third Gallican proposition is an inference from the former. "Hence," say the Gallican doctors, "the exercise of the apostolical power ought to be
 "derated by the canons of the church, which are
 "formed by the spirit of God, and consecrated by
 "the veneration of the whole world: the rules,
 "customs and institutions received by the kingdom
 "and church of France ought to stand good, and
 "the terms of the fathers remain unshaken; and it
 "belongs to the greatness of the apostolical see,
 "that the regulations and customs confirmed by the
 "agreement of the holy see and other churches
 "should retain their proper stability."

The examination of this proposition will bring forth many points, which have been supposed not to be subjected to the divinely instituted authority of the Roman Pontiff, but upon the most strict and scrupulous discussion will be found to belong to it. I need not remind my readers, that the Gallican propositions having been signed at a time, when

France was at open variance with the Pope, every thing that was most restrictive of the papal authority consistently with the catholic faith was eagerly embraced by them: from whence it follows by just consequence, that any diminution or restriction of the Pope's powers beyond what are here expressed must be regarded as a deviation from catholic principles, and a flat contradiction to the received doctrines of the holy fathers. It becomes therefore particularly interesting to know exactly what the Gallicans assert, and the utmost extent of the contents of their proposition.

They first declare, that "the exercise of the apostolical power ought to be moderated by the canons of the church;" and this declaration is deduced as a consequence from the foregoing proposition. If no more is meant, than that the Pope in the exercise of his authority ought to conform to the established canons of the church, which have been formed by the spirit of God in œcumenical councils, approved of by himself, or his predecessors, and are consecrated by the veneration of the whole catholic world, nothing can be more reasonable and just, and no pope, it is apprehended, would object to the proposition so understood. The common style of the Roman court, which grounds its mandates, and decrees on the known canons and practices of the church, is an evident proof of the respect, which Popes pay to established laws and customs; and while the strictest adhesion to these rules is a necessary, and I may say almost the only means

means of supporting the dignity of the papal authority throughout the different nations of Christendom, strangely prejudiced must be that man, who should pretend, that the apostolical power is not actually moderated by the canons of the church.

Probably nothing more than this was meant by the Gallicans; at least the cautious manner, in which they express themselves, *it belongs to the greatness of the apostolical see, &c.* seems to indicate that they were themselves sensible of treading on delicate ground, and that their intent was rather to express what was proper and suitable for the Pope to do, than to determine the utmost extent and limits of his absolute power. If any further consequences therefore are drawn from these words, than what I have here set down, they must rest entirely upon their own merits, as there is no certainty of their being true Gallican doctrines, and on that score screened from the censures, which the church at other times has passed upon erroneous tenets. But as I before observed, every innovator of the present day gives to the Gallican propositions what interpretations he pleases, and draws from them what consequences seem best suited to his own bad purpose of supporting the errors he maintains.

Some therefore are of opinion, that by *the canons of the church* in this place are to be understood those of the council of Constance, of Basil or any other numerous assembly of bishops not confirmed by the Pope; not considering that the papal confirmation is always so far requisite to make a

council œcumenical, that where such confirmation is wanting, every catholic is at liberty, *salvâ fide* to reject it, if he pleases. The Gallicans indeed seem to have had the council of Constance particularly in view, as the present proposition is made an inference, as I said before, from the foregoing one, wherein they pretend to establish the authority of that council as œcumenical. But if the words of their proposition can bear a different meaning, nothing more can be inferred from the church's forbearing to censure it, than that it may admit a catholic sense; not that any particular and determinate sense, which is given to it by some interpreters is catholic and orthodox. The proposition therefore understood in the sense here mentioned must rest entirely, as I said, upon its own merits: and to this interpretation of it I answer as follows.

If it be a defined article of faith, as I before proved it to be, that the Pope is spiritual head of the universal church, and of every church contained in the universal, and that he is made such, not by ecclesiastical institution, but by the *immediate* appointment of Christ himself, it follows undeniably, that his powers can not be restrained by any councils of men, much less those, which are of doubtful and uncertain authority, as all councils not approved of by the Pope necessarily are. To the apparent inconsistency therefore of the former proposition a further absurdity will be added in the present occasion, if according to this sense, any persons shall contend, that the divinely instituted
authority

authority of the Pope ought to be moderated by the canons of councils, which are of no authority at all. I omit noticing the indecency there is in subjecting the supreme head of the church to regulations, from which every subject of that head, for want of the formality of a papal approbation, can plead exemption for himself. The Staffordshire gentlemen therefore, it is presumed, will hardly pretend to ground any part of the papal prerogative upon such *ecclesiastical institutions*, as these.

Others by the canons of the church seem to understand only those primitive regulations, which were made in the life time of the apostles, or in some of the earliest general and particular councils, as if all change of church discipline and of the practices of ancient times were a deviation from the purity of the christian doctrine; and ought to be rejected by those, who are zealous for the honor and dignity of their religion.

This is a favorite topic of many reformers, and we have seen a violent contest carried on upon this ground between an honourable Baronet of our church, and the learned Rev. Mr. Milner of Winchester, concerning the right of the Pope to govern the catholics of this kingdom by apostolical vicars, in lieu of allowing them bishops in ordinary chosen by the people and the inferior clergy, as, it is pretended, was the practice of ancient times. The Baronet declaring himself an open advocate for primitive discipline attempts to overwhelm his adversary with long citations from various councils, mostly
however

however local and provincial ones, and with numberless texts of the holy fathers; as if what was once the established discipline of the church must necessarily be the standing rule and law at present.

But there is no more necessary connection between the present laws and practices of the catholic church in points of discipline, and the laws and practices of ancient times, than there is between the jurisprudence of the kingdom of England in the present reign of George III. and the laws, which governed our ancestors in the days of Alfred or Edward. And as it would be absurd to refer the decision of a suit at law at present to the determinations made by those great rulers of the English state, without paying regard to the various statutes and regulations enacted since their time, and even to the prevailing practices of our courts; so it is an evident trespass upon common sense to appeal constantly to the canons of the early ages, and disregard the laws and regulations which the church made in after times; or even to slight its customs and practices, though no certain date of their introduction can be assigned.

Oftentimes the change or abrogation of a law is only the gradual effect of the imperceptible hand of time, without its being in the power of the nicest critic to determine when or in what manner the alteration was introduced. But it is wrong to infer from thence, that the recent practice is an abuse, and a violation of the holiness of Christ's church, as reformers continually pretend. I presume, that the religious baronet would hardly scruple regaling him-
self

self and his theological friends with an unhalloved repast of black puddings, if their appetite were set for them; or with a profane partridge, pheasant or woodcock, which his gamekeeper should bring home without carefully draining them of their blood; and that even no difficulty would be started at serving up at his honour's table the wholly uncanonical dish of a strangled hare, which to the great disappointment of his farmers feast his trusty groom or huntsman should rescue from a murderous gin; notwithstanding that the undeniable authority of a primitive council of the christian church, certainly not inferior to those of Carthage, Sardica, and Ancyra, found it *good* to lay a command upon pious christians in the apostolical age itself to *abstain from blood, and from all things strangled*. In what precise manner and by what posterior council this act was abrogated the baronet will find it no easy matter to determine; and of course if the rule by which he pretends to inforce all the ancient canons upon us at present be true, he ought scrupulously and religiously to stick to the observance of this primitive and apostolical canon; especially as the scripture informs us, that the apostles were directed by the Holy Ghost himself to lay such obligation upon the faithful. *It hath seemed good to the Holy Ghost, and to us, to lay no farther burden upon you, than these necessary things**. The baronet will not pretend to set aside the force of his own rule; *constituting a*

* Acts xv, 28.

part of the church of Christ we are bound by the regulations of that church, as far as it is in our power to comply with them †.

The truth then is, that though the plea of the ancient canons seems to form a plausible argument in the eyes of unexperienced persons, it is often only made a pretext to fly in the face of established authority, and to withhold obedience from laws, which are in actual vigour in the church. The Gallican doctors certainly did not pretend to moderate the power of the Pope by the ancient and primitive canons exclusively, but by all that have been *formed by the spirit of God, and are consecrated by the veneration of the whole catholic world*, which modern, as well as ancient canons undoubtedly may be. Hence notwithstanding the heat of the contest, not a single hint is given by them in any of their four propositions, that the most recent canons of the council of Trent do not form any part of the ecclesiastical law in France, as some of our modern writers pretend.

On the contrary the exceptions, which have been made by some Gallican theologians against particular decrees of the council of Trent, as being contrary to their received privileges and customs, according to the known axiom of the law, *exceptio firmat regulam*, is a confirmation of its ordinances in other matters, of which the smallest doubt cannot be entertained. The learned Colet speaking of the law invalidating clandestine marriages, says expressly:

† Layman's Letter, pag. 2.

" *this law* of the council of Trent so necessary for
 " the peace and honour of families was adopted
 " by the most christian kings*." And the answer
 given by Henry IV. to the memorial of the general
 assembly of his clergy an. 1605, who petitioned that
the decrees of the council might be received and pub-
lished, so as to obtain the force of a law, states, that
his predecessors at the request of the clergy had inserted
into their own ordinances most of what is in the arti-
cles of the council†. If all opposition therefore on
 the part of the temporal sovereign was removed
 from *most of the articles of the council*, it must be
 truly a groundless assertion to say, that at least these
articles never were received as canonical institutions
 by the church of France. From the example there-
 fore of the French themselves I conclude, that mo-
 dern as well as ancient canons can securely direct
 the faithful in the paths of eternal life.

Finally others are of opinion, that by the tenour
 of this proposition it was meant to deny the Pope all
 power of dispensing with the laws of the church,
 and canons of œcumenical councils, even when there
 exists a just reason for dispensing. But as moderat-
 ing the exercise of the papal authority by the canons
 of the church, and denying the Pope all power to
 dispense in those canons are different things, it is un-

* Hanc Tridentinæ legem familiarum paci et honori tam neces-
 sariam adoptarunt reges christianissimi. Colet cap. 7. de Imped.
 Matrim. pag. 264.

† Du Pin 16 Century, Book III. chap. 22. pag. 393, 394:

just to father this latter sentiment upon the Gallican doctors, where their words do not clearly express it. Once more then there is no certainty of such being the genuine meaning of this proposition.

Hitherto no human foresight has been able to obviate every difficulty, that can occur in the observance of human laws. On which account in all well ordered societies there is always acknowledged a power of dispensing in their own laws, as the particular exigency of times and circumstances may demand. And as ages of the church have and may again pass away before a general council can be convened, it would be idle to restrain the use of the dispensing power to the actual sitting of a general council, which may not have existence till the causes for dispensing exist no more. If a right to dispense was not lodged in the Pope, to whom the full power of governing the church in all its exigencies was committed by Jesus Christ, it cannot exist to any purpose in any other individual, or in any body of men. Hence it is a known fact, that every portion of the catholic church, when the circumstances of the faithful seemed to require it, has occasionally preferred its petitions to Rome for the exercise of this part of the papal prerogative, and often enjoyed under a papal dispensation a conscientious exemption from laws, which general councils had enacted. The Staffordshire gentlemen themselves, who possibly may on some occasion stand in need of a dispensation in some laws of general councils, did not then intend, as I presume, to lay this particular

particular restraint upon the power of the Pope, when they grounded that part of his prerogative, which relates to discipline, upon *ecclesiastical institution*. Upon the whole no proof can be brought that any thing further was meant by these first words of the third Gallican proposition, than that the Pope ought from decency, or if you will from bounden duty to conform to the received rules and canons of the church, where no just reason occurs for his dispensing with or deviating from them; to which restraint no Pope will object.

In a second part of this proposition the Gallicans lay a particular stress upon "the rules, customs, and institutions received by the kingdom and church of France," upon particular compacts and agreements settled between themselves, and the apostolical see, and upon privileges granted them by certain Popes; all which they think it an incumbent duty upon the Pope, at least as far as honour and good faith are concerned, to respect and maintain.

The first observation, that occurs to me upon this clause is, that the cautious manner, in which the Gallican doctors deliver themselves upon these nice subjects, "it belongs to the greatness of the apostolical see, that the statutes, and customs confirmed by the agreement of the holy see, and other churches should retain their proper stability," is a plain proof, as I before noticed, that they do not pretend to define the absolute power of the Pope; viz how far he might alter received customs, and revoke their privileges, if found necessary for the

good of the church; but they simply declare what was suitable and proper for him to do. And as the Popes themselves with whom they were at variance did not pretend to act in any thing contrary to the grants, that had been made the French nation by their predecessors, the line of the papal prerogative as to these points remains equally undefined, as other parts of his supreme jurisdiction are by the foregoing clauses of this proposition.

My second observation is, that as the Gallican doctors at the time of the dispute appealed to the customs, and institutions, the compacts and agreements made between themselves, and the holy see in order to support their sovereigns in the right of disposing of the temporalities of certain vacant ecclesiastical benefices; it is evident, that the clergy of France at that day, whatever has been maintained by some unadvised writers since, did not acknowledge in the temporal sovereign, in virtue of his temporal supremacy, a right to dispose of the temporal goods of the church, but that they deemed it criminal in a legislator to alienate at his sole pleasure, without the consent of the church, goods and privileges duly granted to the church; as all other catholic authors do. Childish must have been the appeal to grants and privileges of the Pope to enable the monarchs of France to appropriate to themselves certain portions of ecclesiastical goods, if by their own right according to the law of God, they had been entitled to do it independently of such grants. But the truth of both these observations

tions will appear in a stronger light by laying before my readers a brief account of the contested points, which gave rise to this proposition.

At the time of the famous convention of 1682 a dispute had arisen between the churches of France, and the apostolical see concerning the extension of certain privileges granted the sovereigns of France by Gregory X. in the council of Lyons anno 1274, in virtue whereof the kings of France were allowed, where the custom had been, to chuse and invest the bishops of their kingdoms, and to administer the revenues of bishoprics during the vacancy of a see. The question was, whether these privileges might and ought to be extended to bishopricks incorporated in the kingdom of France after the date of that year, as also to minor benefices, which were not named in the grant: the Gallicans pleading loudly for the extension of the privilege on one hand, and the Popes as flatly refusing it on the other.

Lewis XIV. did not any more than his bishops, ground his claim on the right of a temporal sovereign to dispose of church goods at his pleasure; but the grants and privileges given by former popes to his predecessors being deemed by him remanentary, that is, being supposed to be conferred upon them for their personal merits towards the church, and even in return for certain exemptions and immunities granted by the sovereigns to the church, he contended, that for these reasons the privileges ought to be extended to all ecclesiastical benefices
whatever

whatever lying within his kingdom, and that such was the intent of the popes, who first made the grants. On the other hand neither Innocent XI, nor his successor Alexander VIII. pretended to alter what had been allowed by their predecessors; but they only insisted that the privileges ought to be exclusively confined to those churches, to which, by the unanimous consent of all parties, they were granted. And an unfortunate dispute upon these points continued for ten years, till Innocent XII. mounted the papal throne,

Lewis pushed his pretensions so far, that during all this time he continued to nominate to the vacant sees, and to grant the investiture to the new bishops, without their receiving any canonical institution and confirmation from the Pope; which placed the prelates so nominated in a state of actual schism for the term of ten years, that this unfortunate dispute continued. And probably the evil would have spread through all the churches of France, if the new Pope had not devised some means to reconcile the angered monarch and prelates to himself.

The terms of reconciliation appear to me to be matter of great darkness and obscurity. It is well known, that since the year 1692 no formal contention has subsisted between the court of Rome, and the Gallican monarchs and clergy either concerning the extension of the royal privileges, the doctrines of the four famous propositions, or the transactions

transactions of the meeting of the 19th of March 1682, so as to occasion a schismatical division; notwithstanding that after the reconciliation of 1692 the French monarchs continued to enjoy, nearly as they did before, the fruits of vacant benefices; and the doctrines and transactions of the meeting of 1682 have been openly defended by some of the greatest lights of the Gallican church. Alexander VIII on the other hand by his bull *inter multiplices* given August 4, 1690, annulled and declared to have been null and void from the beginning all the transactions of the convention of 1682, that prejudiced the church, and Innocent XII. himself before he would agree to peace, required, and obtained both of the French monarch, and of the bishops, who had been nominated during the schism, as formal an apology for their misconduct, and a disavowal of their principles, as words could express. The letter of Lewis XIV. to Innocent XII. dated Versailles, 14 Sept. 1692, is couched in the following terms.

" Most holy Father,

" I always conceived great hopes for the benefit
 " of the church and the propagation of our holy
 " religion from the advancement of your Holiness
 " to the pontifical dignity. At present I experience
 " with singular satisfaction the good effect of the
 " many great actions, which your Holiness performs
 " for promoting the interests both of one and the
 " other. And as I wish to give your Holiness con-
 " vincing proofs thereof, I am happy to notify to
 " your

" your Holiness, that I have given the necessary
 " orders that the contents of my edict of the 23d
 " May * 1682 concerning the declaration made by the
 " clergy of my kingdom, to which the circumstances
 " of the times obliged me, should not be productive of
 " any consequences. And as I am not only ambitious,
 " that your Holiness should be assured of these my
 " sentiments, but that the whole world should learn
 " by a public testimony with what veneration I am
 " penetrated for your Holiness' great qualities, so I
 " doubt not but that your Holiness will favour me
 " with reciprocal marks and testimonies of your
 " paternal affection. In the mean while I pray
 " the Almighty to bless your Holiness with a long
 " and prosperous life."

The bishops also wrote to the Pope, craving pardon for " having joined in the acts of the convention of 1682, disavowing what had been done to
 " the prejudice of their churches, praying his Holiness to give them a canonical institution in the
 " churches, to which they had been nominated by
 " his Christian Majesty, and promising obedience
 " in future," upon which they received regular bulls of institution from the Roman Pontiff, and the quarrel, which had given such scandal before,

* In the French edition, from which I translated this letter, the words are, 2 Mars, but as it is known that Lewis XIV's edict was dated, 23 Maii, the similitude of the words made me presume, that the French editor had committed a typographical error, which I ventured to correct.

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from that moment was, at least, permitted to die away.

How to reconcile all these apparent contradictions is a task of no small difficulty; but what appears to me most probable is, that Innocent XII. having obtained of Lewis and of the schismatical bishops, an acknowledgment of the impropriety of their conduct in subjecting the livings of the church to defalcation without the consent of the Pope, and in attempting to exercise episcopal jurisdiction independently of the apostolical see, two points which could not be renounced, determined to rest satisfied with these general declarations in favour of his prerogative, and in the mean time yield up for the peace and tranquillity of the church the temporals, that were demanded of him. This he could do, as Gregory X. in the council of Lyons had granted the same privileges to some churches then under the dominion of the French monarchs; and as no altercation has since happened between the popes and sovereigns of France on the latter re-assuming their real or pretended privileges, it is probable that the Pontiff tacitly gave up his right on that occasion, if even a formal, though private compact for the purpose was not entered upon between the contending parties at the time; which in similar intricate circumstances, we know often to have been the case; though the terms of such agreements have not been made known till afterwards.

If what I conjecture is the real truth, this private settlement between Lewis and the Pope could not

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have been announced by Innocent XII. to the consistory of cardinals, when he informed them of having terminated the dispute with France: and the Gallican proposition itself, which speaks not of the speculative dogm, but of particular privileges, supposed, though without sufficient reason, to have been formerly granted their kings proving no longer injurious to the ceded rights of the apostolical see, of course could not any longer be a necessary subject of the papal censure and animadversion. On this account it has probably remained to the present day unnoticed by the see of Rome.

Certain it is, that as no expression in this or any other of the Gallican propositions asserts the right of a temporal sovereign to institute bishops, or to dispose of any part of their temporal revenues contrary to the will of the Pope; and as these were the two points, upon which Lewis, and his prelates had practically erred, after obtaining from them a disavowal of the speculative principles, it would have been perfectly idle, let me rather say, rash and imprudent to follow up the dispute with the Gallicans upon a mere matter of fact. Which reason appears to me to account for the non-condemnation of the Gallican proposition after the effects, which were intended to be produced by it, were declared null and void, as they were by Alexander VIII.

In any supposition truly untheological must be that reasoning, which either from an avowed act of rebellion, such as was the conduct of the intruded bishops during the ten years of schism, or from the
doubtful

doubtful and uncertain pretensions of an ambitious monarch, who arrogated to himself privileges which the church did not acknowledge, should pretend to draw inferences subversive of the rights, and powers, which all catholics maintain to be inherent in the rulers of the church. Hence whatever were the transactions between Innocent XII. and Lewis XIV. at the close of the Gallican dispute, the truths, which the church teaches upon any of the articles, which I before established, must remain firm and unaltered; and as is said of the scriptures, so *no prophecy or doctrine contained in the Gallican propositions is to be made by private interpretation**. If any person pretend to draw false consequences from them, their inferences will be liable to the censure of the church; and it is the duty of the Pope, in the first place, to issue his decrees upon such points, whenever the fancies of catholics run counter to the doctrines of Jesus Christ; as the Gallican doctors themselves acknowledge.

Fourth proposition. "Also in deciding questions
 " of faith the chief part appertains to the Pope,
 " and his decrees belong to all and each individual
 " church: nevertheless his judgment is not irre-
 " formable, till the consent of the church has ac-
 " ceded to it."

The remarks upon this proposition will resemble in substance several, which I have already made; but as with some gentlemen there is no end of the inferences, that are drawn from the Gallican propositions, so where the subject matter changes, my

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readers

* 2 Pet. i. 10.

readers, I hope, will excuse any thing, that may appear like a repetition, as my view is to give the compleatest eclaircissement I can of the various doubts, that have been started among us upon these religious subjects.

To me then and to many able theologians of my acquaintance it appears little short of a paradox, that a Pope by divine institution, and by the express commission of Jesus Christ (for no part of the papal authority arises from any other source) should be endowed with a superior power paramount to all other, to issue to the universal church decrees concerning questions of faith, and that the church itself should be infallible, whilst the decrees of the Pope, which direct its belief, are liable to error.

A decree of a superior in the strictest sense of the word is a law; and a decree concerning doctrinal points is a law prescribing such or such particular modes of belief. Now how such decrees issuing from a Pope can *belong to all and each individual church*, and of course to the bishops of those churches, who are a part and not a separate whole from their own churches, and yet not be strictly binding upon all and each individual bishop; or if they are so binding, can be reformable after the bishops of the church are bound by them, are points, which I confess I do not understand. Nevertheless on the combination of these different principles depends the truth of that opinion concerning the fallibility of the Pope, which is abetted in the present Gallican proposition, and has found such warm
defenders

defenders among several of our gentlemen in this kingdom: whilst the incapacity or unwillingness of others to conciliate these principles together has been made an occasion of the most violent outcries and invectives, which poured forth like a torrent in the first blue book in 1789 against some persons, and have swelled the apparent importance of other volumes of the same complexion since that time, which would dwindle away to nothing, if such unavailing and uninteresting redundancies were carefully drained from them.

One important reflection however I think, cannot escape the impartial observer. If the laws of the catholic church allow individuals that freedom and liberty of opinion that they may (at least at the risk of their own reputation) adopt almost what sentiments they please, which do not flatly contradict defined articles of the catholic faith, nor intrench upon the sanctity of our morals, the restraint and despotism, which are supposed to be exercised by the rulers of our church over the minds of men, are purely ideal and imaginary; nor can the form and nature of our ecclesiastical government be fraught with those dangers and evils to temporal governments, which many weak persons imagine are connected with it.

In the present instance we are all bound, as catholics to believe our church to be infallible, because Christ expressly promised, that *the gates of hell* should *not prevail* AGAINST IT*, that is, against the church; and we are likewise bound to believe, that

* Matt. xvi. 18.

this church is built upon a rock, which is Peter*, and that Peter himself and his successors are instituted by Christ spiritual heads of the church with full power and authority to direct all the faithful to eternal life. But because it has not been expressly declared, that the gates of hell shall not prevail against HIM, that is, Peter, though he is the rock, upon which the church is built, the papal infallibility is not made an express article of catholic belief, but every one is at liberty to embrace that opinion or not. If any man can persuade himself, that a house will stand, when its foundation is mouldered and run to decay, he may without breach of catholic communion deny the infallibility of the Pope; but it is base and illiberal to load other gentlemen with abuse and opprobrious language, and treat them as bad and dangerous subjects, because they happen to be of the contrary persuasion.

The chief remark therefore that I shall make on this proposition is, that whether truth stands on the affirmative or negative side of the main question, no man either as a christian or gentleman can be allowed to upbraid his brother for not thinking upon the infallibility of the Pope, as he himself does. For whilst the gift of infallibility whether residing in a Pope, or in the body of the bishops, is only extended to those things, which were primitively revealed by Christ to his apostles, or are essentially connected with the primitive revelations, as I before

* Matt. xvi. 18.

† See supra, page 110.

proved*.

proved*, it is demonstrated, that the grace of God directing the church or Pope to the revealed truths of eternal life, never can interfere directly or indirectly with any temporal rights that man can enjoy. Weak and deluded men therefore may form their prejudices, and enter their caveats against this and other catholic opinions; but the objects of temporal governments being as distinct from the spiritual concerns of the church as darkness is from light, only those who wish to spread a general chaos over the minds of men, and to work their own dark designs under cover of it, can attempt to confound them together; or make the admission of any spiritual grace whatever a matter of just accusation before the temporal rulers of this earth. With this reflection I shall close my observations on the last of the Gallican propositions.

Such are the four famous Gallican propositions, which are looked upon by some, as a bulwark of catholic liberty, whilst others regard them as excentricities in theology, to which it is difficult for a reasonable man to give his assent. I remember meeting in a publication of one of our reforming virtuosi particular expressions of joy and exultation, that France on the globe of the earth occupied an intermediate space between Rome and Great Britain; as if only the superior lights and penetration of the Gallican clergy could stave off the thralldom of papal impositions from the catholics of this

* Supra, p. 42, 43.

kingdom. The remark was truly humiliating to English catholics. I could not help however reflecting, that as lines drawn from the same centre necessarily diverge more and more from one another, the further they extend; so sometimes a single radius may run beyond the limits of that periphery, which contains all sensible and moderate men within itself. This appeared to me to be the case of the writer, whose views were extended rather to erroneous consequences drawn from the Gallican propositions, than to the doctrines contained in them, which but too often has been the case.

For my own part, though I greatly dissent from many of their principles, I see no formal error against faith contained in them, which obliges catholics to separate from the abettors of them. If Alexander VIII. found it necessary to make void and annul the effects of them, as he did by his Bull *inter multiplices*, it was chiefly on account of the bad use, that was made of them to foment schism, and oppose the just authority of the Pope to defend the goods of the church. On the contrary, the plea of the third proposition, that the sovereigns of France were entitled by *grants of the Pope* to dispose of the revenues of all their vacant benefices, is a formal acknowledgment of that very right and power, which some persons pretend to deny upon the grounds of that proposition. So little is reason and close argument attended to in such contests. If Lewis and his bishops had denied the Pope the power to forbid sovereigns alienating the goods of
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the church by their sole pleasure, they would have been in the same predicament, in which Henry VIII. was at the time of his separation from Rome ; and by abetting an erroneous principle condemned by the church, they would have prevented the schism between Rome and themselves ever being made up.

In fact the rejecting of that proposition of Wicleff condemned by the council of Constance, *Temporal lords can at their pleasure take away temporal goods from the church, when the possessors are habitually delinquent, that is, when they fail, not in a single act, but from habit*, has always been regarded as a necessary article of communion between members of the catholic church ; so that no theologian among us has hitherto dared to abet the contradictory of it. It is therefore a new and extraordinary device, which I have seen in a late author, to maintain, that the church passed the limits of her spiritual jurisdiction in censuring that proposition ; and the assertion of the writer is equally bold and unfounded.

Before the falsehood of that proposition of Wicleff can be disproved (and the falsehood of a moral proposition is always a sufficient cause for the church to condemn it) it is necessary to show, that sovereigns in virtue of their *dominium altum* can dispose of the temporal goods of their subjects as they please, that they are under no obligation to keep faith with the community at large, or with individuals, who under the sanction of just laws devote certain portions of their substance to the service of God and

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religion ;

religion; that there is no trespass committed against justice when sovereigns dispose of monies given for the support of the true ministers of Jesus Christ and the church, either for their own private emolument or for maintaining other ministers, who contradict and impugn the doctrines of Jesus Christ; as must evidently be the case, if the will and pleasure of the sovereign makes the only law of justice, which men are bound to follow. Now such extravagancies being diametrically contrary to the purity and holiness of that christian morality, which was always supported in the catholic church, it follows by undeniable consequence, that those writers must be sovereignly ignorant of the nature of catholic doctrines, who openly abet principles, from whence such extravagancies are incontestably inferred.

In like manner if from the second and fourth propositions the Gallicans had drawn the consequences, first, that any part of the papal prerogative is dependent upon *ecclesiastical institution*; because a Pope is subject to a general council actually sitting; and secondly, that the church is fallible, because a Pope is fallible; they would have been strictly heretics, and their errors must have been renounced, before they could have been reconciled to the church of Rome. But as these consequences were always denied by them, though seemingly little consistently with the rules of logic, no catholic pretends to refuse communicating with them; notwithstanding that they regard it is an insult to reason and freedom of thought to compel all theologians to become Gallicans,

cans, because a Bossuet and other learned men were such.

In a word I know no advantage accruing either to the Gallican or any other church from the doctrines of the propositions. The churches of France have not been more free and independent, by transferring, during the vacancy of a see, the administration of goods lawfully appropriated to them, from the Pope into the hands of an imperious sovereign: their bishops have not been more enlightened and edifying by challenging a superiority over the Pope during the actual sitting of a council; peace and order have not been promoted in the different dioceses of that kingdom by espousing different customs and practices in each, nor harmony increased between themselves and catholics of other countries by asserting principles, which few besides themselves allow. The improvement of churchmen and of the faithful in general in virtue and learning are the objects, which theologians should propose to themselves in advancing any extraordinary propositions; and hitherto I have not met one commentator upon the Gallican propositions, who has pointed out to me the clear attainment of these important objects by the doctrines they contain. However as my first principle is peace and charity, where they can be maintained without encroaching on the purity of Jesus Christ's religion, I never shall object to any man's declaring himself a Gallican; if no inferences are drawn by him from their propositions, which contradict the received tenets and doctrines of the catholic church.

To such inferences I must always be allowed to object, from whatever quarter they arise.

What I have hitherto said I hope will contribute to prove and illustrate the essential nature and end of human laws, both ecclesiastical and civil. The essential end of church laws is the direction of souls to eternal life; of civil, the peace and welfare of the state, in conformity and submission to the superior and unerring rules of nature and revelation. There remains to be examined whether and under what kinds of doubt concerning the attainment of these essential ends of all human laws, it is the duty of subjects to submit to the commands of their superiors, who are possessed of authority over them. This will bring on the explication of many new points not hitherto discussed.

In the common language of the fathers and doctors of our church, subjects of every lawful government, whether in church or state, are bound in all doubtful cases to submit to the commands of their superiors; otherwise no order and regularity could be maintained. Now doubts may be harboured either concerning the lawfulness, or the usefulness and expediency of superiors orders; and the principle of the fathers applies equally to both doubts. Whatever opposition has been raised to this doctrinal principle, it is not a doubtful and uncertain maxim of catholic theology; our divines universally agree in it: on which account, in a letter published by me and other gentlemen of the Western district a little above three years ago, in answer to an address
of

of some of the Staffordshire clergymen *I hesitated not to pronounce, that such was catholic doctrine, and that the contrary was little conformable to catholic principles**. The R. Joseph Berrington, who is believed to have had the chief hand in the Staffordshire address, which was then answered, having attempted in a publication since that time to turn this principle to ridicule, I again stand forth a voucher for the truth of it, and fear not being convicted either of error or extravagancy in maintaining an assertion, which no theologian, who has the repute of catholic orthodoxy to maintain, will pretend to call in question.

It must not however be imagined that by this doctrine catholics mean to destroy every atom of liberty and reason in their church. As the gift of infallibility, the nature of which I explained before†, was not bestowed by Jesus Christ to enforce a belief of every contradiction and absurdity, that can be proposed to us, but to prevent error and the corruption of the christian doctrines; so the present principle is agreed upon and established by divines in order to preclude anarchy and confusion from lawful governments, not to make christians slaves to all the fancies and whims, which capricious and despotical governors may think proper to abet.

* See a Letter to the R. Tho. Flynn, &c. p. 15.

† Supra, p. 42, 43.

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There are indeed few absurdities, which either have not, or may not meet with the patronage and support of some men, and under such patronage be demanded and exacted of subjects by thoughtless and unfeeling superiors. To such extravagancies we do not make implicit obedience a binding and conscientious duty : otherwise our ablest theologians and canonists would have erred in determining with great clearness and precision, that many things, which were exacted by men in power in different ages and countries of the world were, exacted without due authority from God, and in prejudice to the rights, which subjects had not to have such burdens imposed upon them. In such an illimited sense therefore we do not make *passive obedience and non-resistance* laws of our church*.

Nevertheless under all doubts, which can properly affect the mind of a prudent man, we maintain that it is an indispensable duty and obligation of subjects to submit to the commands of their superiors, whatever their own private judgment may dictate to them concerning the lawfulness or propriety of such commands. The peace and welfare of every well ordered government require this submission. The wise regulations, that have been made by legislators both in church and state, the elucidations of canonists and politicians, treatises upon the art of governing, which have been published by learned men in every department, have unquestionably contributed

* See La Croix, Lib. 1. de conf. num. 361, &c.

in a great degree to clear up many doubts, which heretofore were harboured in prejudice to the rights and liberties of subjects; but notwithstanding these advantages, it is an undeniable truth, that there still remain and ever must remain many things, upon which the human mind cannot positively decide without danger of being deceived; and no certain *data* have yet been discovered, which can lead either governors or governed to a perfect and secure knowledge of all things, free from prudent doubt. Now in all such cases our theologians require the submission of the subject to the head; so that it is an uncontroverted maxim of our law, that in doubt a presumption is always to be formed in favour of the superior against a subject*.

• This

* La Croix examines the question whether “ infidels and heretics following the doctrines of their leaders and teachers, especially whilst they see so many adopt at present their own religious sentiments, can form a prudent and probable doubt of the truth of the christian religion in favour of their own errors,” and he resolves the question in the negative. “ *There may*” says he, “ for a *SHORT TIME* *be materia! infidels and heretics;*” that is, some few men may be invincibly ignorant of the truth of Christ’s religion for a little while; but beyond that *short time* he admits not the possibility of the case. The idea therefore of whole nations, or of the majority of a nation being led astray from Christ’s religion without committing a moral fault before God, is a solecism in catholic theology; it is a supposition that was never made by any orthodox divine; and if proposed to any catholic university in christendom would unquestionably meet with that censure, which so rash and groundless a proposition deserves. Those who pretend to ground on such
supposition

This uncertainty, which pervades many, if not almost all objects of human laws, proceeds from different causes. Sometimes the source of information, upon which the conduct and laws of superiors are arraigned, is so doubtful, so ambiguous, that it is humanly impossible to form a clear and decisive opinion against a superior's command from all the evidence, which is brought before the public. Whatever pretensions to private knowledge and information of particular facts, some persons may seem to have, an impartial observer, who is no ways interested in the concern, will always find room to form prudent doubts of the lawfulness and propriety of an order, whilst only one part of the reasons, upon which a superior grounds it, are made known to him, and more remain envelopped in a cloud of darkness, which it is impossible for him to disperse.

Of this kind are most affairs of state, which both from their natural intricacy, and the necessary secrecy, which prudence requires should be observed in cabinets, are so far removed from the ken and penetration of common observers, that a prudent and discreet man will not dare to pass a decisive opinion upon what he does not perfectly understand. On

supposition systems of religious establishments, which of their own nature tend directly to the encouragement of error, and discouragement of truth, must of course be little conversant with the truths and niceties of catholic theology. Their arguments, I grant them, are grounded in ignorance, as they themselves pretend, but no theologian will call that *ignorance invincible*. LA CROIX, *supra*.

this

this ground the great St. Augustine expressly taught, that soldiers, whose business is to fight and not to rule the state, are to march to battle at the command even of a sacrilegious sovereign, *if it be not certain that the war is unjust*; which wise decision of the learned doctor is incorporated, as an axiom, into our own canon law, for the conscientious direction of those, who at any time may be engaged in the military profession.

Other objects of human laws are rendered doubtful and uncertain not from a mere negation of knowledge, but from the positive discussions and examinations, which have been made at various times by learned men, of the nature and propriety of them. Many things are commanded in the catholic church, which we are not bound to believe to be of their own nature, and *in se* absolutely best, and of necessity preferable to their contraries; though when commanded by the church we know them neither to be erroneous nor superstitious, otherwise the church itself would be guilty of error in commanding them.

The communion of the laity under one kind, the performing of our public service in the dead Latin or Greek language, many genuflections, incensing and other ceremonies used at mass and in the solemn administration of the sacraments, afford a constant subject of censure and ridicule not only to our avowed opponents, but to many of our reforming virtuosos, whose slight and contempt of the practices of their religion are often set forth with greater acrimony and bitterness, than is seen even in those, who

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publicly

publicly dissent from our communion. It is difficult indeed to say whether the arrogance and self-sufficiency of these gentlemen, when they draw the whole order of our liturgy under their reforming eye are more worthy of our indignation, or contempt. Certain it is that their conduct not only contradicts the rational law of obedience, which is due to every superior, when after mature deliberation he enjoins things suited to the end of his government and not clearly forbidden by the law of God; but their expressions often disclose a scandalous horror and contempt of the things themselves, as if the church was guilty of folly and superstition in commanding certain practices, from which a sensible man is bound in reason and duty to recoil. But there is a nicety to be observed in these matters, to which few seem sufficiently to attend.

Though a transgression of the laws themselves, as our divines teach, in many cases would not be grievous, yet by condemning and reprobating the practices of the church, as evil and erroneous, there is always implied a virtual denial of the holiness and infallibility of the church, which no catholic is allowed to call in question. Hence not only the merit of obedience, but the gift itself of divine faith, it is to be feared, is often sacrificed to the fantastical ideas and unwarrantable expressions, which some persons utter on these heads. A canon of the seventh session of the council of Trent, carrying with it an express anathema against those, who incur the guilt proscribed by the council, will serve to put this matter in a clearer light.

“ If

“ If any one,” says the council, “ shall say, that the
 “ received and approved rites of the catholic church
 “ accustomed to be used in the solemn adminiftra-
 “ tion of the sacraments may either be flighted, or
 “ omitted without a fin at the option of minifters,
 “ or changed into other new ones by any paffor of
 “ the church, let him be anathema.” The like is
 enacted in regard to the ceremonies of mafs in
 the feventh and ninth canons of the twenty-second
 feflion, and in regard to the holy unction and other
 ceremonies made ufe of in conferring the facrament
 of orders in the fifth canon of the twenty-third
 feflion. By which declarations the council does not
 pretend to inforce the ceremonies of the church as
 being abfolutely beft, or of divine institution, which
 cannot be altered ; but its heaviest curfes are pro-
 nounced againft thofe, who dare flight and condemn
 the practices themfelves, or fhall accufe the church
 of a trefpafs of duty in having enjoined any of thofe
 ceremonies, which are in actual ufe among us. “ If
 “ any one fhall say, that the mafs ought to be cele-
 “ brated ONLY in the vulgar tongue . . . let him be
 “ anathema.”

Nevertheless we have heard a great deal about
 many important changes in this kind, which wife
 and enlightened prelates were fupposed to have in
 contemplation, when they fhould be placed in fe-
 cure poffeffion of the epifcopal dignity. The Rev.
 Joseph Berington among other wonders, which he
 has publifhed to the world, informs us in his *Reflec-
 tions to the R. John Hawkins*, that the learned and

virtuous Mr. John Carrol, who at that moment was upon his preferment to the new erected see of Baltimore in North America (I shall give the account in Mr. Berington's own words, lest I should seem to lay more to his charge in this extraordinary narration than he really uttered) intended to enter upon a grand work of religious reform in his new established church, which is known to be little consistent with the character of that pious prelate.

" From having resided many years in Europe," says Mr. Berington, " and because he had read the
 " annals of church history IT WAS WELL KNOWN
 " TO HIM HOW MANY ABUSES HAD CREPT
 " INTO THE VULGAR PRACTICE, AND HOW
 " MUCH THE DISCIPLINE OF HIS CHURCH HAD
 " DEPARTED FROM PRIMITIVE SIMPLICITY.
 " A fair occasion was now offered to remove this
 " EXTRANEOUS matter from his new establish-
 " ment, and this occasion the enlightened mind of
 " Mr. Carrol was ready to seize with ardour. He
 " would hold communion with the churches of
 " Europe in the profession of the same faith, YET
 " HE WOULD TAKE TO HIMSELF AND HIS
 " MINISTERS THAT INDEPENDENCE OF THE
 " ROMAN SEE, WHICH IS THEIR CHRISTIAN
 " RIGHT. The bishop of Rome should be his pri-
 " mate in the sense he had anciently been received
 " by the orthodox churches of Asia and Africa.
 " Warned by experience, he would keep clear from
 " all those disputes, which for ages had brought
 " discord into the fold of Christ. In conformity
 " also

" also to the good sense of antiquity THE PUBLIC
 " SERVICE OF THE CHURCH HE WOULD GIVE
 " IN THE LANGUAGE OF HIS PEOPLE, CON-
 " scious, that they ought to understand what is
 " meant for their instruction. He would retrench,
 " I PRESUME, that cumbrous weight of ceremo-
 " nies and unmeaning pageantry, which the warmer
 " imaginations of some nations, and the material
 " conceptions of others had introduced into Eu-
 " ropean practice. In a word, all that he would
 " reform, which rational piety and a proper sense
 " of the dignity of religion should point out to
 " him, as deserving of it."

But notwithstanding these great promises we
 find, that the learned and pious doctor John Carrol
 has now presided near five years over all the catho-
 lics of the North American States, and hitherto has
 never attempted one of the reforms mentioned in
 this detail. And I will venture to say that his pro-
 found knowledge in every branch of theological
 learning and solid piety, more than *having read the*
annals of church history are the causes why he has
 not made these attempts. The enlightened mind of
 the judicious prelate may have pointed out to him,
 as it might to many other men of less learning and
 penetration in a similar situation, some peculiar local
 inconveniences, arising from the ignorance and dis-
 use of the learned languages among the people, who

* Reflections addressed to the Rev. John Hawkins by the Rev.
 Joseph Berington, pages 19, 20.

formed his new congregations; few or hardly any of whom could have had the advantage of a classical education, which is more easily obtained in European countries, where the improvements of art and knowledge had been of longer standing: and the goodness of his heart undoubtedly moved him to seek or at least wish for a remedy for every inconvenience, that was felt by a people, who revered him, and whom he loved.

When the Right Rev. Prelate came over in virtue of his bulls of institution sent from Rome, to receive episcopal ordination in this country, even from the hands of a dependent apostolical vicar (so little did he think of establishing his own and the independence of his ministers, or regard the Pope as a mere nominal primate without power and authority) he is known to have expressed his anxiety upon this subject among his friends, and declared that if an alteration of church discipline and a change of the liturgy from the Latin to modern languages were any where justifiable, it would be among the pious and well-meaning people, over whom he presided. But because he had both read the annals of church history, and understood the present laws and discipline of the church, he acknowledged that the attempt would exceed the ordinary powers and authority of a bishop, which like all other prelates of the catholic church he held *Dei et apostolicæ sedis gratiâ*, not by the independent title, which Mr. Berington would establish. He did not think himself entitled on account of particular

particular local inconveniences to change a general law, which all his catholic brethren throughout the world sanction with their approbation and practice. St. Augustine in Africa before him thought it a duty in doubtful cases to consult the apostolical see, and abide by the determinations, which were sent him in the epistles of pope Innocent: *he answered us*, says the saint, *to all the points as was just, and as it behoved the bishop of the apostolical see to answer*; and the bishop of Baltimore knows no other rule.

I am happy to state these particulars both for the vindication of the character of that truly great man from the unmerited aspersions here thrown upon it, and to establish by his example a point of doctrine, from which no catholic theologian can dissent. Where a practice of religion is not comprised in or essentially connected with the defined articles of catholic faith, as I before explained, it is in the breast of individuals to form such judgment of the nature of it, as appears to himself most reasonable, and conformable to the christian revelation; and bishops in particular, who are princes and judges of the church, though of an inferior rank and in subjection to the supreme head, may where the circumstances of their dioceses require it, make such representations to the sovereign pontiff, or propose their opinions in general councils upon the alteration of church discipline, as they think best for the edification and improvement of their flocks. But neither bishops, nor much less individuals can
 withdraw

withdraw themselves from subjection to a law, which is made for the general good of the faithful when the thing commanded is not evidently evil, as no object of a general law of the church can be.

There is another species of uncertainty relating to the laws and commands of superiors, which is not comprised in either of the two kinds above explained. It is when superiors exercise their authority rather from a general presumption of facts, than upon a certainty of such facts existing, and on that general presumption ground their laws, which are binding upon all their subjects. Divines explain the case in the following example. If a magistrate to prevent riots and disorders should forbid citizens walking in an evening with offensive arms, which experience shows to be hurtful to the peace of a city, and perhaps destructive of the lives of citizens, a peaceful and inoffensive subject, who harbours no evil intentions, and would dread plunging a dagger in his brother's breast, is equally bound by the law, as the most bloody and riotous man, and is justly punishable by the magistrate, if he transgresses such law.

Many laws both in church and state are grounded upon these general presumptions, or dangers of evil. The famous Encyclical Letter of the four Right Reverend Apostolical Vicars in this kingdom of the 21st of October 1789, and a second of the Right Rev. Charles of Rama, William of Acanthos, and John of Centuria of January 19th, 1791, against which

which so violent and irregular a protestation was made by ten of our gentlemen rest on this foundation. Independently of incontestable reasons, which prove the justice and propriety of them, they have at least a general presumption in their favour, which makes them according to all principles of catholic theology just and binding laws, to which no subject of the said apostolical vicars can, without grievous sin refuse his submission.

The general danger, which our ecclesiastical superiors saw of some catholics either mistating through passion, or misrepresenting through ignorance the truths of their religion, to the great and irreparable scandal of the whole kingdom, was more than a sufficient reason to ground the general prohibition, which they issued, that "none of the faithful, clergy or
" laity, under their care, ought to take any new
" oath, or sign any new declaration, in doctrinal
" matters, or subscribe any new instrument, wherein
" the interests of religion are concerned, without
" the previous approbation of their respective bi-
" shops." And the same general presumption fully authorized them to "require the submission" of all their catholic subjects "to these their determina-
" tions *." If such commands are not just and conformable to the canons of the church, I maintain that no laws can be enacted among us, that have a power of binding, and the whole spiritual authority of popes and bishops is a mere empty phantom, which every one may scoff at, as he pleases.

* See Encyclical Letters, &c.

The solemn protest therefore, which was entered upon oath in the 2d Blue Book by the Right Rev. Charles Berington *, Rev. Joseph Wilks and eight, otherwise respectable lay-gentlemen of our community against the two forementioned mandates of our bishops, to say nothing more of it, is at least an unjust and unwarrantable act: and as long as the names of the protesting gentlemen stand in public print against

* It has been said, that the Right Rev. Charles Berington being promoted to the episcopal dignity at the time he signed the protest, and having prevailed, as is also pretended upon his own bishop, the late Honourable Thomas of Acon, not to publish the Encyclical Letter of 21st October, 1789, in his district, cannot be arraigned for disobedience or scandal on account of the opposition he shewed to the mandates of the other three apostolical vicars. To which objection I answer, first, that it appears quite arbitrary to assert, that a public mandate of a bishop in this kingdom, signed with his own handwriting, as the letter of the 21st of October 1789 was by the R. Rev. Bishop of Acon, and distributed in print with such bishop's knowledge and consent (which must always be presumed to continue, till it is publicly recalled by himself) has not had the necessary formality of a promulgation, which the circumstances of this kingdom allow. — Secondly, that every christian residing *pro tempore* in the diocese of any bishop, of whatever dignity he may be, is bound by the mandates, which the diocesan publishes for the necessary regulation of his diocese, so far at least as not to be allowed publicly to oppose those mandates, and create scandal among the faithful. The Right Rev. Charles Berington by signing the protest first commenced the opposition made to the mandates of the three apostolical vicars, and his example (he being the first character, at least in the religious line, among the protesters) keeps up the contest to the present day. He ought to remember the particular restraints which the Council of Trent, in matters of much less consequence, puts upon all *titular bishops* in the dioceses of other prelates. See Sess. 14, Chap. 2, de Refor.

two such formal orders of their ecclesiastical superiors, it must remain at least problematical, whether they mean any longer to submit to the authority of apostolical vicars, by whom our church till the present dissensions had been peaceably governed for upwards of an hundred years.

As this protest is of a peculiar nature and tendency, and stands to the present moment a monument of public dissention between different parties of catholics in this kingdom, it becomes necessary to make some further remarks upon it. It is couched in the most extraordinary language, and addressed by name to three of our apostolical vicars, Charles bishop of Rama, William bishop of Acanthos, and John bishop of Centuria, who were the steadiest in reprobating the conduct of the catholic committee in attempting to present oaths to parliament, intended for catholics, without their approbation; and after a short preamble speaks as follows.

" We the catholic committee, whose names are
 " here underwritten, for ourselves, and for those, in
 " whose trusts we have acted, do hereby, BEFORE
 " GOD, SOLEMNLY PROTEST, AND CALL UPON
 " GOD TO WITNESS OUR PROTEST against your
 " Lordships Encyclical Letters of the 21st of Octo-
 " ber 1789, and the 19th of January last, and every
 " clause, article, determination, matter, and thing
 " therein respectively contained; as imprudent, ar-
 " bitrary, and unjust, as a total misrepresentation of
 " the nature of the bills, to which they respectively
 " refer and the oaths therein respectively contained;

“ and our conduct relating thereto respectively ; . .
 “ as encroaching on our natural, civil and religious
 “ rights, inculcating principles hostile to society
 “ and government, and the constitution and laws of
 “ the British empire: as derogatory from the alle-
 “ giance we owe to the state and the settlement of
 “ the crown: and as tending to continue, encrease
 “ and confirm the prejudices against the faith and
 “ moral character of the catholics, and the scandal
 “ and oppression, under which they labour in this
 “ kingdom.—In the same manner we do hereby so-
 “ lemnly protest and CALL UPON GOD TO WIT-
 “ NESS THIS OUR SOLEMN PROTEST against all
 “ proceedings had, or hereafter to be had, in conse-
 “ quence of or grounded upon your Lordships’ said
 “ Encyclical Letters, or either of them, or any repre-
 “ sentation of the bills or oaths therein respectively
 “ referred to, given or to be given by your Lord-
 “ ships, or any of you.

“ And from your Lordships’ said Encyclical Let-
 “ ters and all proceedings had or hereafter to be had,
 “ in consequence of, or grounded upon, the same,
 “ or either of them, or in consequence of, or
 “ grounded upon any representation of the said bills,
 “ or oaths, or either of them, given by your Lord-
 “ ships, or any of you: we do hereby appeal AND
 “ CALL GOD TO WITNESS OUR APPEAL, for the
 “ purity and integrity of our religious principles, to
 “ all the catholic churches in the universe, and espe-
 “ cially to the first of catholic churches, the aposto-
 “ lic see, rightly informed.”

From

From the words of this act it is plain, that the gentlemen, who subscribed it, do not merely protest against any particular part or clause of the forementioned Encyclical Letters of our bishops, as being irregular and uncanonical; faults into which the most prudent superiors might through inadvertency be betrayed on nice and intricate subjects, but against the whole contents, that is, *every clause, article, determination, matter and thing therein respectively contained*.—Of course they protest against the condemnation of *the new form of an oath, intended for the catholics published in Woodfall's register, June 26, 1789*; though the present Pope in an official letter written by his minister Cardinal Antonelli confirmed the condemnation of our bishops, and declared the said *form of oath to be entirely unbecoming catholics, and not agreeing with the rules of faith and of the fathers**:—They protest against the prohibition of the bishops *to take any new oath, or sign any new declaration, in doctrinal matters, or subscribe any new instrument, wherein the interests of religion are concerned, without the previous approbation of their respective bishops*; notwithstanding that the Pope in the same official letter approves of this determinate prohibition issued by the bishops, and sends them *his particular congratulations for this so laudable mark of their zeal and religion in protecting the catholic cause*:—They protest not only against what was actually done by our apostolical vicars, but against all

* See Card. L. Antonelli's Letter pag. 23, 24.

that

that could be done by them in this affair, *all proceedings had, or hereafter to be had . . . grounded upon . . . any representation . . . given or to be given by your Lordships, or any of you*; and this under the most solemn invocation of heaven; so that they strictly swear all these things to be foreign to the jurisdiction of bishops; which is explicitly asserted by them in the strongest terms. *We hereby protest against every clause, article, &c. as imprudent, arbitrary, unjust . . . as encroaching on our natural, civil and religious rights, inculcating principles hostile to society and government, and the constitution and laws of the British empire, as derogatory from the allegiance we owe to the state, and settlement of the crown, &c.*

As accusations of the blackest die are contained in these words I presume, for the honour of the protesting gentlemen, that when they swore in so solemn a manner to the various articles of their protest they believed each of them to be true; though according to the principles established in this letter I am free to declare, that not a single word of truth is contained in any thing that they advanced. For if according to the express words of the Douay catechism *the taking of lawful oaths and vows and making and keeping unlawful ones* * are matters, which immediately relate to the salvation of christians, it was strictly of the competency of bishops to pronounce what oaths are lawful, and what unlawful;

* See Douay Catechism, 2d commandment.

and of course it could not be *imprudent, arbitrary, unjust* as these gentlemen swore; *encroaching upon our natural civil and religious rights* (which I before proved never can clash with one another, when governors keep within the limits of their respective jurisdiction*) *inculcating principles hostile to society and government*, &c. &c. for the bishops to pass a judgment upon the unlawfulness of the oaths in question, and upon the bills, which required the taking of those oaths.

The Pope ten months previous to the protest had sent a formal verdict into this kingdom, as I just observed, diametrically contrary to what these gentlemen assert, both concerning the nature of the condemned oath, and the nature of the Bishops' forbiddance to *take any new oath, &c. wherein the interests of religion were concerned, without their approbation*; which verdict must have rendered the objects of the bishops prohibitions at least reasonably doubtful and problematical; so that no man after hearing of such judgment could pretend to say, without danger of being deceived himself, that the bishops certainly were in the wrong. Most persons indeed, upon reading the papal decision, would have judged, that the opinion of the bishops was backed with more than probable arguments; as a Pope's solemn verdict upon so nice and delicate a subject, especially in the present age formed, at least, the strongest presumption of a strict moral certitude in their favour.

* *Supra*, page 10.

But though their orders should have been only probably just and prudent, it would have been, as I have proved, a strict and conscientious duty in every catholic in the kingdom to submit implicitly to them. The protesting gentlemen certainly never understood this doctrine, otherwise they would not have sworn, that the conduct of their ecclesiastical superiors on these points was *arbitrary, unjust &c.* but it must be remembered, that where even an inculpable error of judgment gives occasion to a false oath, the solemn invocation of the Deity repeated thrice, or three hundred times cannot add a tittle of truth to the thing, which is falsely sworn.

But because in such unfortunate disputes, as the council of Trent speaks, "the subjects of bishops, though justly corrected, are wont to conceive great animosity against their Bishops, and to lay false crimes to their charge, as if they were themselves the injured persons*," that the catholics of this kingdom may not be induced by false pretexts to perpetuate their dissensions, I shall point out where the chief errors seem to lie.

This famous act then may be considered either as a protest, or as an appeal; both which names are attributed to it by its subscribers; and as the two things greatly differ, it behoves those, in whose names it was published, to know the nature of each, that they may see how far they ought

* Quoniam verò subditi Episcopo, tametsi jure correpti fuerint, magnoperè tamen eum odisse, et tanquam injuriâ affecti sint, falsi illi crimine objicere solent. Trid. Sess. xiii, de Ref. c. 6.

to abet, or how far it is suitable for them to disavow the transactions, that were passed in their name. "We the Catholic Committee," say the gentlemen who published it, "whose names are here underwritten, for ourselves, AND FOR THOSE IN WHOSE TRUSTS WE HAVE ACTED, do hereby before God protest, &c.

A protest may be defined a disavowal of, or declaration made against certain principles, measures, or things, which are believed to be injurious to the rights of the protesting party; and strictly speaking can only be made by an equal against an equal, or what is virtually the same, by a subject against his superior in those things, in which the superior exceeds the limits of his due authority.—A superior never protests against his own subject; but in cases of transgression brings him to order by authoritative and compulsive means; and a subject never protests against his superior in things, wherein he acknowledges the just power of a superior over him; but if he thinks himself aggrieved by an undue exercise of an authority, which is not itself denied, he is either obliged to deprecate the evil by an humble petition for relief, or in cases, in which the law directs to seek redress by appeal, to demand the rescinding of the sentence of an inferior judge in a superior court, which must always be done according to the rules and forms, which every particular constitution prescribes. So that a protest necessarily breaks down the boundaries of superiority, destroys the relative situations of commander and commanded, and

lays the contending parties on a perfect level, in which each one stands out in support of his own right. It is highly interesting to all Roman Catholics in the kingdom to know whether the gentlemen of the committee were directed by them to protest against the encyclical letters, and mandates of the apostolical vicars in the manner they did.

An appeal on the contrary is the removal of a cause, in which a subject thinks himself aggrieved from an inferior to a superior judge; and according to the rules of our church the intention of removing such cause must be duly notified in writing within a given time by the appellant himself to the judge, from whom the appeal is made, and a due statement given in of the apprehended grievances, lest the regular progress of justice be retarded by frivolous excuses; and after that, the whole cause must be laid before the superior judge. In default of these conditions an appeal in our canon law is essentially null; and is regarded only as a malicious artifice to stop the ordinary course of justice, and elude the just authority of lawful superiors, of which innumerable instances are seen in ecclesiastical history.

In the year 1518 Martin Luther, the day after he had written to Cardinal Cajetan the Pope's legate, "praying him to write to the Pope about his affair, "that it might be determined by the church, to "whose judgment he was ready to submit, and to "revoke what it should condemn, and believe what "it should decide," publicly fixed up in the city of Augsborg an act, which is called his first appeal
against

against the Pope's power and authority, and is justly deemed his first formal abdication of the catholic religion. Nothing can show better the nature and spirit of these kinds of appeal, than the words, in which this appeal is couched. "He was forced," said Luther, "to appeal from the Pope misinformed, from his pretended commission, and citation of his person, from any process made OR TO BE MADE AGAINST HIM, AND FROM ALL THAT MAY BE CONSEQUENT UPON THEM, TO THE POPE BETTER INFORMED*." This act, as Du Pin informs us in his history, was signed in presence of a public notary at Augsbourg on the 16th of October, and published the 18th, and on the very intermediate day, the 17th of the month he wrote the submissive letter to Cardinal Cajetan, which I just cited, and which shows what little reliance is to be placed on the declarations of men, who being determined to contradict the decision of their lawful superiors, think that they may dignify with the name of *protests* and *appeals* whatever acts of rebellion they chuse to commit.

In fact by the 28th of the following November Luther found, that no judgment of the Pope, however *rightly informed he should be*, could be securely relied on. "He was fallible," he said, "as other men, as the example of Peter shows. Of course an holy council lawfully called, and representing

* Du Pin. 16th Century, Book 11. page 41.

"the universal church BEING CERTAINLY
 "ABOVE THE POPE IN ALL MATTERS THAT
 "CONCERN FAITH, he appealed to that supreme
 "tribunal*." But this submission continued no
 longer than the sitting of the council of Trent, when
 finding himself condemned by the fathers of the
 church, the authority of a general council became
 as exceptionable and odious to Luther, as that of
 the Pope had been before.

The protestation and appeal of the Janfenists of
 Utrecht at the beginning of this century was of the
 same nature and complexion; and the dreadful
 schisms, which ensued from both these acts, ought to
 serve as a warning to all the well meaning catholics
 of this kingdom, not to let themselves be imposed
 upon by the name and appearance of *protests* and
appeals, which have no resemblance to the regular
 and canonical acts of appeal, which in case of grie-
 vances the laws of our church allow. What is the
 particular purport and nature of the appeal of the
 blue book, must be examined.

This act, as far as I can find, was not at any time
 presented in writing to the three bishops, from
 whose *encyclical letters* of the 21st day of October
 1789, and the 19th of January 1791, it is pretended
 to be an appeal; it is said indeed to have been de-
 livered in the name of the Catholic Committee to the bi-
 shop of Centuria, on the 17th of February 1791†;

* Ibid. page 43.

† See Rev. Joseph Wilk's Letter to Thomas Clifford, Esq.
 Sept. 28, 1791.

but

but as the other two apostolical vicars, to whom it is addressed, were equally principals in publishing the said *encyclical letters*, as the bishop of Centuria, the formality of *delivering* it to him, could not make it a regular and canonical appeal from the sentence of the other two bishops; if even all other requisite conditions to make it a legal and canonical appeal, had been duly fulfilled. But so far from proceeding according to rule, hardly a single formality required by the canons of our church was observed by the protesting gentlemen.

By the common Justinian law only ten days are granted the appellant to appeal, counting from the day of the definitive sentence of the inferior judge to the day, on which the appellant enters his appeal in writing, though a longer time is granted for prosecuting the appeal according to the forms and practices of different courts. Between the 19th of January and 17th of February 1791, and much more so, between the 21st of October 1789 and the said 17th of February 1791, a longer space of time than the law allows, evidently intervened. Though the act itself was delivered to the bishop of Centuria, it was not to the two other bishops concerned. Not a single step was taken to draw out a fair and regular statement of the supposed grievances; much less any measure adopted to lay the whole process of the cause before the Pope, to whom alone, or to the courts, which he appoints for such purposes, a canonical appeal could be made.

I observe

I observe that in the whole act the name of Pius VI. is not so much as once mentioned, and as the vague and general terms *all the catholic churches in the universe* cannot in any law be construed to signify a certain and determinate church, to which the revision of this important cause was transferred; so those other expressions, *especially to the first of catholic churches, the Apostolical See, rightly informed*, in no law can have a fixt signification, pointing out the determinate person, to whom an appeal was made. If the appellants should judge the present Pontiff to have acquired a *right information* of the matter of their appeal, then the said appeal would be to the Pope; as he is at the head of the *apostolical see, rightly informed*; but if not, *the see*, to which they appeal is not existing at present, and it only may exist on a future day, and that future day must be waited for, before it can be known, to whom these gentlemen pretend to refer the decision of their cause.

Such an appeal is evidently not only irregular and uncanonical, but upon the very face of it essentially null; and of course it can only be made use of by bad or deluded men to keep up a scandalous dissension between the catholics of this kingdom and their ecclesiastical superiors, who are appointed by the Pope to govern them according to the standing laws of the church. This observation I hope will serve to open the eyes of many, who have not yet understood the nature of this act, and prevent

prevent others, who wilfully engaged in it from continuing in the error, which they unfortunately espoused.

The abjuration of error, even of an involuntary one, I know is at all times a painful task; but as I am convinced that far the greatest part, if not all the gentlemen, who gave occasion to our present dissensions, were led into their mistakes from upright motives and an intention of doing good, the renunciation of their principles can only contribute to establish the character of candour and uprightness, which they were ambitious of obtaining; and the blessing of peace which through their means will be restored to the catholics of this kingdom, will serve to draw endless blessings on their names, as long as they shall be remembered by their catholic brethren in this land:

They have before their eyes the example of a Fenelon; but which is a case much more close in point, the example of thirty-nine French doctors out of forty, who signed the noted *Cas de conscience* concerning the system of the *Silence respectueux*, supported by the Jansenists at the end of the last and in the beginning of this century, and among the 39 they will find names, whom it will be an honour for them to follow. *Le Pere Alexandre, Dominicain, retracta le premier sa signature. Tous les autres en firent autant, excepté M. Petit-pied, dempto uno parvo pede**, says Monsieur Gilbert Prevot of

* See L'histoire anecdote et allegorique de Cas de Conscience, par Monsieur Gilbert.

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Douay: Father Alexander the Dominican first with-
drew his signature: afterwards all the rest, except
Monsieur *Petit-pied*; and in this number is found
the famous *Elles Du Pin*, the historian, whom they
so much admire.

I beg leave to subscribe myself,

with the highest esteem,

Sir,

BRISTOL, Your most obedient humble servant,
Aug. 27. 1795.



Robert Plowden.

